

EXTENSIONS OF REMARKS

IDEA FUNDING

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2003

Ms. HOOLEY of Oregon. Mr. Speaker, today I want to address an issue that is of great concern to my home state of Oregon, and to states around the country.

When Congress enacted the predecessor legislation to the Individuals with Disabilities in Education Act (IDEA) in 1975, we made a commitment to provide children with disabilities access to a quality public education. The assumption was that education for children with disabilities was, on average, twice as costly as education for nondisabled children. As a result, Congress authorized the federal government to pay up to 40 percent (sometimes termed the IDEA "full-funding" amount) of each state's excess cost of educating children with disabilities. Not once in the past 28 years has Congress lived up to its obligation and states have had to shoulder the brunt of this unfunded mandate.

The state and school districts are forced to pick up the additional costs, putting additional strain on our education funding. The FY 2003 appropriation for Part B of IDEA was \$8.9 billion or 17.6 percent of the "excess cost," leaving states and local school districts with an unfunded federal mandate of over \$10 billion. That is \$10 billion that our states and school districts could be spending to alleviate state budget crises, reduce class sizes, build and modernize schools and implement technology into education.

States across the Nation are dealing with an economic crisis, facing large state budget deficits and making deep cuts to services. In my home state of Oregon, the latest round of budget cuts have hit essential services such as education, and Oregon school districts are facing many tough decisions including shutting down early.

Make no mistakes about what this legislation is about: it is about keeping the promise of funding the mandate the federal government has put on the states and relieving the school funding crises that states across the Nation are facing. In Oregon, this legislation would provide about \$100 million that the federal government is obligated to fund for education, each and every year. With state's budget crisis, threats of a shortened school year and significant layoffs, this money is very important.

It is high time we renew our commitment to our Nation's children and pay the federal government's share of the cost of IDEA. That is why Congresswoman Nancy Johnson and I are introducing legislation that would appropriate money to bring the federal government's share of IDEA funding to the full 40 percent by FY 2008 and I urge my colleagues to join me in this effort.

THE PRESIDENT'S STEEL PROGRAM

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2003

Mr. NEY. Mr. Speaker, for years our jobs have been washing away in a flood of cheap, dumped foreign steel. Until the Bush Administration, these calls for help fell on deaf ears. On March 5, 2002, the President imposed tariff relief for a period of three years. One year later, the proof is irrefutable—the President's steel program is working. It is critical to the continuous success of the President's plan that tariff relief remain in effect for its full term.

U.S. steel companies, such as Wheeling-Pittsburgh Steel Corporation and Weirton Steel Corporation, have made tremendous efforts to remain competitive in the world market. Labor and management have worked together to make brutal decisions. Wages have been cut; the number of workers and managers has been reduced; new efficiencies and technologies have been pursued; bonds have been restructured to reduce interest expense and avoid bankruptcy. Despite these sacrifices and improvements, these steel companies were still suffering from illegally dumped foreign steel.

Since implementation of Section 201 tariff relief, the industry has made significant progress toward restructuring and consolidation, and these efforts will continue. The international talks on overcapacity and subsidies are making real progress. In addition, domestic producers have enjoyed improvements in revenues, operating income, and capacity utilization. A number of companies have returned to profitability, while others have shown significant improvement even though they have not yet become profitable.

There have however been significant surges of imports from certain excluded countries, and, to the extent there is any concern about the program, it is that too many imports could be undermining relief. In fact, imports of flat-rolled steel increased substantially after imposition of Section 201 measures in 2002, as compared to the same period in 2001. Therefore, the Section 201 tariff measures must be fully enforced if our industry is to arrive at a successful conclusion. While recovery will take time, the President's plan has allowed the industry to make a real start.

THE OLD GRANITE LADY

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2003

Mr. ROTHMAN. Mr. Speaker, I rise today to discuss S. 168, the San Francisco Old Mint Commemorative Coin Act, introduced by Senator FEINSTEIN and Senator BOXER of Cali-

fornia. The proposal would create commemorative coins to help pay for the restoration of the San Francisco Mint known widely as the "Old Granite Lady." I commend Senators FEINSTEIN and BOXER for undertaking this commendable effort.

The San Francisco Mint was in service from 1870 to 1937, survived the San Francisco earthquake of 1906, and was utilized until a few years ago as federal offices. Today, modern building codes require that it be reinforced before it can safely be used in an area that is still prone to earthquakes.

I recently read an article in the February 11, 2003 edition of the Numismatic News, which I ask to be placed in the CONGRESSIONAL RECORD following my remarks, written by Bergen County Freeholder and my hometown Fair Lawn, New Jersey Mayor David L. Ganz, proposing modifications to S. 168 to further stimulate interest on the issuance of this coin. His proposals are worthy of consideration. Specifically, Mayor Ganz proposes to have commemorative coinage re-issued using historic coin designs that were widely used in the 19th century, are associated with the San Francisco Mint, and which would offer to coin collectors the affordable opportunity to receive proof specimens—a means to boost sales, increase the surcharge that will be used to help restore the Mint, and provide an exciting collector's opportunity as well.

For example, coin collectors know the tale of the 1870 three dollar gold piece with the "S" for San Francisco Mint mark on the reverse. The coin is unique and was formerly in the Louis Eliasberg collection. It is valued in the millions. There are other proof or uncirculated three dollar gold pieces that are quoted in Numismedia, a coin pricing guide, that sell for thousands of dollars.

The 20-cent piece also has a long history associated with the San Francisco Mint, including the 1875-S coin produced more than a century ago. An uncirculated example of this coin would cost hundreds of dollars. The same is true for the Liberty head nickel and the Barber dime—where the 1894-S, one of only 24 specimens known, is a six-figure rarity and a regular design is hundreds of dollars in pristine, uncirculated condition.

Mr. Ganz calls for special collector coins not intended for circulation, but bearing original designs of a century ago utilizing a contemporary date. They would be produced in proof, as uncirculated pieces, and offered to collectors with a modest surcharge that could raise \$123 million, if the coins sold out, to help restore the Old Granite Lady.

Mr. Ganz's comments merit consideration for many reasons, not the least of which is that he is a respected numismatist. A former member of the Citizens Commemorative Coin Advisory Committee, he is one of the people credited by former Mint director Philip Diehl as being the source and inspiration for America's state quarters—which have given \$5 billion back to the American taxpayer. I have known Mayor Ganz for many years and believe that his ideas merit consideration, and I hope that

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

they may be incorporated into this meritorious effort to restore the San Francisco Mint.

[From the Numismatic News, Feb. 11, 2003]

SAN FRANCISCO \$3 WOULD SELL BETTER THAN \$5

(By David L. Ganz)

True to her word, Sen. Dianne Feinstein, D-Calif., for herself and Sen. Barbara Boxer, D-Calif., introduced S. 168 on Jan. 15, a bill entitled the "San Francisco Old Mint Commemorative Coin Act," which is a traditional revenue-raising measure containing a silver dollar and a half eagle (\$5) gold piece.

Like many dozens of other bills proposed over the course of the last decade that have been designed to raise funds for a noble purpose, it follows a template that has been approved by the Treasury, the Mint, Congress itself, and even the Citizens Commemorative Coin Advisory Committee.

That means that the coins are legal tender; have moderately low mintages of 100,000 for the gold coins and 500,000 for the silver—sales for which will never be achieved—and surcharges designed to raise in the aggregate \$3.5 million if the gold coins sold out, and another \$5 million if the silver dollar version hit it big, for a possible total of \$8.5 million.

Unfortunately, it will do neither and will most likely have disappointing sales in the 25,000-50,000 coin range for gold and in the 100,000-250,000 range for the silver dollar, from which the Mint will take expenses, leaving the San Francisco Museum and Historical Society a giant goose egg to help pay for the restoration of the Old Granite Lady.

Mint accounting is not for knaves. Neither is it in accordance with what most would refer to as generally accepted accounting principles. The result is that an exorbitant amount of overhead is charged against commemorative coin production—it's a legitimate way to look at it, but on a per-coin basis adds absurd amounts to cost that would otherwise never be tolerated for purposes of analysis or compensation.

One need only look at several recent commemorative results and fork-overs to see just how difficult the present system is. That's problematical where, as here, the goal is to raise funds to help restore the San Francisco Mint to the grandeur of yesterday, when it was the proudest building in the old financial district of the downtown.

Just by simple example, on the population Buffalo nickel silver dollar commemorative for the Smithsonian, budget documents submitted show an initial \$3 million loss. Congress authorized 500,000 of those coins—and they sold out in two weeks—yet in the budget scoring of Jan. 25, 2001 (before sales began), the outflow was \$3 million down. (There would eventually be \$13.9 million in gross sales registered in the fourth quarter of 2001.)

The San Francisco "S" mintmark has had a special allure for more than 130 years. To those who were collecting coins earlier than 1955, when production was suspended, the "S" mintmarked coins traditionally had lower and hence scarcer mintages—and higher values.

The Old Granite Lady, which functioned from 1870 to 1937—and made it through the San Francisco earthquake of 1906 virtually unscathed—has a long history involving coinage, which the legislation that Sen. Feinstein introduced recites at least in part.

"The San Francisco Old Mint is famous for many rare, legendary issues, such as the 1870-S \$3 coin, which is valued today at well over \$1 million," the precatory portion of the bill begins—and then goes nowhere else.

Commemorative coinage should serve a purpose, none of which is essentially important for funding, all of which is integral to

the integrity of the coinage process, the history of American money and telling the story of American numismatics in its larger sense.

There's nothing magical about the template that is being utilized right now to create commemorative coinage. In an earlier time in its 180s, a different model was utilized—and I participated quite actively in seeing to it that that model was not only broken, but for purpose. Significantly, I suggested it should be done again.

In 1982, modern commemorative coin issues began anew with the introduction of a silver commemorative for the 250th anniversary of George Washington's birth. There was no surcharge; there was no beneficiary. The coin was produced, it was sold and there as great success: 2.2 million uncirculated pieces were manufactured and 4.8 million proofs.

The Olympic program came and went, but in 1984-1985, the Statue of Liberty centennial commission had its chance, and I had the opportunity to consult with them. Lee Iacocca, that colorful personality who was then the chairman of Chrysler corporation headed the commission. Dr. Stephen Brigandi was the executive director.

The mold in those days was a dollar coin or two, plus a gold piece. The Olympics used a \$10 gold piece to disastrous results, in part because it contained nearly a half ounce of gold (resulting in too high an issue price) and also because when enough coins weren't sold, the Mint produced more, adding mintmarks as the distinguishing factor.

Two suggestions came from me: first, change the denomination of the gold coin to a \$5 gold piece—to lower the price substantially—and second, introduce a copper-nickel half dollar that could be produced as a circulating commemorative coin with an uncirculated and proof counterpart sold at a very modest mark-up to collectors.

They didn't buy into the circulating commemorative concept—it took a dozen more years before the state quarter program that I similarly proposed became reality—but whether to go with a copper nickel low-value, low-cost coin came down to a question of how many might be sold, and what the proceeds would be from the surcharge. After all, the Statue of Liberty needed to be refurbished for its centennial.

I made a bet with Brigandi—\$100 as I recall it, though that's a lot for a guy who usually bets a cent or a nickel—and I predicted that such a coin would sell into the millions and be a true partner and participant in a three-coin program.

Ultimately, it became the most successful non-circulating legal tender coin in history, with more than 900,000 struck in uncirculated and over 6.9 million as proofs. No other coin, before or since, has come close.

Here's why: it was a different coin, different denomination, unusual, modest in price and distinctive. Collectors were encouraged to buy into a concept that played right into what they do: collect.

Those of us who are even casual about our hobby know that we collect after a particular fashion. Some will try to obtain all silver dollars, others all issues. Still others go for a type set. But when it comes to new and unusual or even different, it affords a rare opportunity, which is something that I think S. 168 simply misses.

It's not too late to change it; the bill has merely been introduced and is months away from action in the Senate, no less the House of Representatives.

Here's what I would do to change the focus of the bill, and to simultaneously increase its chance for economic and commercial success—and at the same time, offer a boost to several different areas of the hobby.

Capitalize on the history of the Mint and the coins that have come from it.

One obvious way of doing that is to create a new \$3 gold piece—a play on the 1870-S that is unique (formerly in the Eliasberg collection)—which was produced in the very year that the Old Granite Lady opened for business.

To buy any \$3 gold piece today, be prepared to plunk down thousands of dollars for an uncirculated specimen, and multiples of that for a proof. For the Mint to begin a new commemorative series—or even a single one-year San Francisco Mint coin in that denomination—would be a boost to the secondary market, a promotion for \$3 gold pieces of other dates and denominations, and produce the possibility of a sellout success at levels far above 100,000 pieces.

Where a half eagle or \$5 gold piece contains .2420 troy ounces of gold, the \$3 gold pieces of regulation weight is .1452 troy ounces. At \$360 an ounce (more or less current prices), the hard cost changes from \$87 in gold to \$52.27.

Lower the gold content, lower the price. The surcharge doesn't have to change. What does change is the number of people making a purchase. That should go way up—just as it did for the Statue of Liberty half dollar. Net result: more surcharge for the Old Granite Lady's restoration.

On the same basis, I'd probably think about adding a minor coin—such as the nickel—or a subsidiary coin such as the dime to the mix. There's a long history there, too, for each. The first "S" mint on a nickel was 1912. The "S" dime could be the 1894-S Barber design—a powerbroker concept. But what is key is that it is different, unusual and likely to have high sales—even with a surcharge—if the price is simply not made obscene.

A third (or fourth) choice: a 20-cent piece (the 1875-S was struck there, of course)—and for all of the same reasoning. Add these and watch orders and dollars come flying in. Prediction if authorities follow my suggestions: a sellout.

Here's how to do it: substitute language for the existing bill in the Senate, or introduce a new one in the House, and go to town for the benefit of the Old Granite Lady—and give the San Francisco Mint a new historic life on the centennial of its survival of the San Francisco earthquake of 1906.

108th Congress, 1st Session

H.R. ____

To require the Secretary of the Treasury to mint coins in commemoration of the Old Granite Lady (the old Mint at San Francisco)

In the House of Representatives of the United States, _____, 2003, Mr. _____ introduced the following bill; which was read twice and referred to the Committee on Financial Affairs.

A bill to require the Secretary of the Treasury to mint coins in commemoration of the Old Granite Lady (the old Mint at San Francisco).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Old Mint at San Francisco Commemorative Coin Act."

SEC. 2. FINDINGS.

Congress finds that—

(1) the Old Granite Lady played an important role in the history of the Nation;

(2) the San Francisco Old Mint was established to convert miners' gold from the California Gold Rush into coins;

(3) the San Francisco Old Mint Building was designed by architect A.B. Mullett, who also designed the United States Treasury Building and the Old Executive Office Building;

(4) the solid construction of the Old Granite Lady enabled it to survive the 1906 San Francisco earthquake and fire, making it the only financial institution that was able to operate immediately after the earthquake and the treasury for disaster relief funds for the city of San Francisco;

(5) coins struck at the San Francisco Old Mint are distinguished by the "S" mintmark;

(6) the San Francisco Old Mint is famous for many rare, legendary issues, such as the 1870-S \$3 coin, which is valued today at well over \$1 million; and

(7) the San Francisco Old Mint Commemorative Coin will be the first commemorative coin to honor a mint.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In commemoration of the San Francisco Old Mint, the Secretary of the Treasury (in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) \$3 gold coins—Not more than 500,000 \$3 coins, each of which shall—

(A) weigh 5.015 grams;

(B) have a diameter of 20.5 mm; and

(C) contain 90 percent gold and 10 percent alloy.

(2) 20 cent piece—Not more than 3,500,000 twenty-cent pieces, each of which shall—

(A) weigh 5 grams;

(B) have a diameter of 22mm; and

(C) contain 90 percent silver and 10 percent alloy.

(3) 10 cent piece—Not more than 5,000,000 ten-cent pieces, each of which shall—

(A) weigh 2.5 grams;

(B) have a diameter of 17.9mm; and

(C) contain 90 percent silver and 10 percent alloy.

(4) 5 cent piece—Not more than 7,500,000 five-cent pieces, each of which shall—

(A) weigh 5 grams;

(B) have a diameter of 21.2mm; and

(C) contain .750 copper and .250 nickel alloy

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—All coins minted under this Act shall be considered to be numismatic items for purposes of section 5134 of title 31, United States Code.

SEC. 4. SOURCES OF BULLION.

The Secretary may obtain gold and silver for mining coins under this Act from any available source.

SEC. 5. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—(a) The reverse design of the coins minted under this Act shall be emblematic of the San Francisco Old Mint Building, its importance to California and the history of the United States, and its role in rebuilding San Francisco after the 1906 earthquake and fire.

(B) The obverse designs shall be as follows:

(1) on the \$3 gold piece, the "Princess" design utilized by the Mint in 1870; (2) on the 20 cent piece, the "Princess" design utilized by the Mint in 1870; (2) on the 20 cent piece, the Liberty Seated design in use by the Mint in 1875; (3) on the dime, the Barber head design utilized in 1894, and (4) on the nickel, the Barber head (Liberty head) design utilized in 1912.

Notwithstanding the foregoing, the Secretary may decide to use the same designs, obverse and reverse, as the specified designs, with an "S" mint-mark, as were heretofore utilized on the \$3 gold piece, 20-, 10-, and 5-cent coins during the time period specified.

(2) DESIGNATION AND INSCRIPTIONS.—Each coin minted under this Act shall contain—

(A) a designation of the value of the coin;

(B) an inscription of the year "2006," and

(C) inscription of the words—

(i) "Liberty;"

(ii) "In God We Trust,"

(iii) "United States of America;" and

(iv) "E Pluribus Unum."

(b) SELECTION.—THE DESIGN FOR THE COINS MINTED UNDER THIS ACT SHALL BE—

(1) selected by the Secretary, after consultation with the Commission of Fine Arts and the Board of the San Francisco Museum and Historical Society;

(2) reviewed by the Citizens Commemorative Coin Advisory Committee; and

(3) reviewed by the Board of the San Francisco Museum and Historical Society.

SEC. 6. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the period beginning on January 1, 2006, and ending on December 31, 2006

(c) MINT FACILITY.—The coins authorized under this Section shall be struck at the San Francisco Mint to the greatest extent possible and shall all bear the "S" mintmark regardless of the mint of manufacture.

SEC. 7. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) a surcharge in an amount equal to—

(A) \$35 per coin for the \$3 coin; and

(B) \$9.80 per coin for the 20-cent coin; and

(C) \$9.90 for the 10-cent coin

(D) \$2.95 for each 5-cent coin.

(3) the per capita cost of designing and issuing the coins (including labor materials, dies use of machinery, over-head expenses, marketing, and shipping) for the gold coin, and the face value and surcharge for the 20-cent piece, 10-cent and 5-cent coin.

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—THE SECRETARY SHALL ACCEPT PREPAID ORDERS FOR THE COINS MINTED UNDER THIS ACT BEFORE THE ISSUANCE OF SUCH COINS.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—Subject to Section 5134(f) of title 31, United States Code, all proceeds received by the Secretary from any surcharge imposed on the sale of coins issued under this Act shall be paid by the Secretary to the San Francisco Museum and Historical Society.

(b) AUDITS.—As a condition of receiving payments under subsection (a), the San Francisco Museum, and Historical Society shall be subject to the audit requirements of Section 5134(f)(2) of title 31, United States Code.

TRIBUTE TO ANDREW ESPINOZA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to honor the life of Andrew "Gato" Espinoza of San Luis, Colorado. Mr. Espinoza tragically died in a house fire after heroically rescuing his fifteen year-old son, Daniel. At this unique time in history, we have all become more aware of the heroes

among us; people like Andrew Espinoza who display uncommon courage in the face of great danger.

Andrew's heroic act is a reflection of the selfless nature he has demonstrated throughout his life serving others. The fire, which started early in the morning, awoke Andrew who then quickly roused his son and sent him to safety. However, he was unable to escape the fire himself. Andrew displayed the true courageous acts of a hero, and as a father, when he gave his life in order to insure his son's survival.

In the community, he was dedicated to preserving the heritage and natural way of living in San Luis. He played an instrumental role in the struggle over the rights of locals to use the Mountain Tract. He helped to free the land for public use.

Andrew also was a loving father of two daughters and a son. According to his daughter, Andrea of Tierra Amarilla, NM, "He wanted to pass his love of the land on from generation to generation; it was his gift to us." Andrew's love of his children, and for life, was demonstrated in everything he did.

Mr. Speaker, it is with great respect that I stand today and pay tribute to the life of Andrew "Gato" Espinoza before this body of Congress and this great nation. Through his sacrifice and courage, Andrew displayed true heroism. His life will be remembered and missed by his many friends, family and colleagues.

TRIBUTE TO SEAN A. WOOD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Sean A. Wood, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 67, and in earning the most prestigious Award of Eagle Scout.

Sean has been very active with his troop, participating in such scout activities as Camp Geiger. Over the five years he has been involved in scouting, he has held numerous leadership positions, serving as Assistant Senior Patrol Leader, Patrol Leader, Assistant Patrol Leader, Troop Guide, and Den Chief. Sean also has been honored for his numerous scouting achievements with such awards as Warrior in the Tribe of Mic-O-Say, Brave in the Tribe of Mic-O-Say and Fire Builder in the Tribe of Mic-O-Say. Additionally, Sean has earned 31 Merit Badges.

For his Eagle Scout project, Sean removed an existing concrete sidewalk outside of the Gallatin Fire Station and replaced it with a concrete ramp, two handicap parking spaces, a steel ramp for the railing, a new door and two handicapped signs.

Mr. Speaker, I proudly ask you to join me in commending Sean A. Wood for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

WE THE PEOPLE: THE CITIZEN
AND THE CONSTITUTION**HON. RUSH D. HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. HOLT. Mr. Speaker, on April 26, 2003, more than 1,200 students from across the country will compete in the national finals of the We the People: The Citizen and the Constitution program in Washington, DC. This program is the most extensive educational program in the country, developed specifically to educate young students about the Constitution and the Bill of Rights. The We the People program, administered by the Center for Civic Education, is funded by the U.S. Department of Education by act of Congress.

I am proud to announce that the class from East Brunswick High School will represent the state of New Jersey in the program's finals. These students have worked conscientiously to reach the national finals by participating at local and statewide competitions. In the past fifteen years, these young scholars have won the state competition fourteen times, an accomplishment that should not go unnoticed. Through their experience, they have gained a deep knowledge and understanding of fundamental principles and values of our constitutional democracy. It is a great honor that students from the 12th District in New Jersey have shown such dedication and interest in our nation's government.

The three-day We the People national competition is modeled after hearings in the United States Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on constitutional topics. The students are given an opportunity to demonstrate their knowledge while they evaluate, take, and defend positions on relevant historical and contemporary issues. Their testimony is followed by a period of challenging questions by the judges who probe the students' depth of understanding and ability to apply their constitutional knowledge.

The We the People program provides curricular materials at upper elementary, middle and high school levels. The curriculum not only enhances students' appreciation of the institutions of American constitutional democracy, it also helps them identify the contemporary relevance of the Constitution and Bill of Rights. Critical thinking exercises, problem-solving activities, and cooperative learning techniques help develop participatory skills necessary to become active, responsible citizens.

The class from East Brunswick High School is currently preparing for their participation in the national competition in Washington, DC. It is inspiring to see these young people advocate the fundamental ideals and principles of our government, ideas that identify us as a people and bind us together as a nation. It is important for future generations to understand the values and principles fundamental to our endeavor to preserve and realize the promise of our constitutional democracy. I wish these young "constitutional experts" the best of luck at the We the People national finals and continued success in their endeavors.

SOCIAL SECURITY PROTECTION
ACT OF 2003

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2003

Mr. PAUL. Mr. Speaker, I rise in reluctant opposition to H.R. 743, the Social Security Protection Act. While this bill contains many provisions worthy of support, it also removes the only means by which many widowed Texas public school teachers can receive the same spousal social security benefits as every other American. As I am sure my colleagues are aware, widowed public school employees in Texas, like public employees throughout the nation, have their spousal social security reduced if they receive a government pension. The Government Pension Offset even applies if the public employee in question worked all the quarters necessary to qualify for full social security benefits either before or after working in the public school system!

The effect of the Government Pension Offset is to punish people for teaching in public schools! However, current law provides widowed Texas public school teachers a means of collecting the full social security spousal benefits. Unfortunately, this bill removes that option from Texas teachers. Since I believe the Congress should repeal the Government Pension Offset by passing H.R. 524, which repeals both the Government Pension Offset and the Windfall Elimination Provision, another provision that denies public employees full social security benefits, I must oppose this bill.

Instead of punishing public school teachers, Congress should be encouraging good people to enter the education profession by passing my Teacher Tax Cut Act (H.R. 613) which provides every teacher with a \$1,000 tax credit, as well as my Professional Educators Tax Credit Act (H.R. 614), which provides a \$1,000 tax credit to counselors, librarians, and all school personnel. Congress should also act to protect the integrity of the Social Security Trust Fund by passing my Social Security Preservation Act (H.R. 219), which ensures that Social Security monies are not spent on other programs. Congress should also pass my Social Security for American Citizens Only Act (H.R. 489), which ensures that noncitizens who have not worked the required number of quarters and illegal immigrants do not receive social security benefits.

FOR SYBIL CROOKHAM

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. CARDOZA. Mr. Speaker, I rise today to honor Sybil N. Crookham. Mrs. Crookham was born on an Indian reservation on November 12, 1911. She moved to Merced County and enrolled in Winton School. She graduated from Merced High School in 1930, and received her Bachelor of Arts in education from San Francisco State in 1934.

Mrs. Crookham received a teaching job upon returning to Winton, California in 1934. However, she had to leave her job after

marrying Mr. Paul Crookham in 1937, as the school district had a policy against employing married teachers. Mrs. Crookham then went to work at the Bloss Hospital Sunshine School to teach children suffering from rheumatic fever.

In 1943, the Winton School Board revised its policy on married teachers, and reinstated Mrs. Crookham. Soon after, she began serving as a teacher-principal, and then as principal-superintendent. After receiving an administrative credential from Fresno State University, she served as the district's full-time superintendent until her retirement in 1974.

Even after her retirement in 1974, Mrs. Crookham stayed very active in the local community. She was elected to the Merced County Board of Education on which she served seven terms. Mrs. Crookham was instrumental in the Virginia Smith Scholarship Program, and was involved with well over fifty organizations in Merced County. When the Bloss House, a historical landmark in Atwater, California, was threatened, Mrs. Crookham helped to found the Atwater Historical Society to save and preserve the home. She remained on the Historical Society board until 2001.

In 1986, the first elementary school she attended was renamed "Sybil N. Crookham Elementary School." Mrs. Crookham's main priority was to ensure every student in Merced County receive a quality education. She played a vital role in locating the tenth University of California campus to be built in Merced. Her friends and coworkers described Mrs. Crookham as a tireless worker, and a champion of the youth.

Our community has been greatly strengthened by the efforts of Paul and Sybil Crookham. She never ceased to work on behalf of the children even after her retirement. Sybil was always called upon by community leaders for advice and counsel. Sybil set an example for others to follow. I am honored to have called Sybil Crookham my friend and am saddened for our community's loss. May God Bless Paul and the entire Crookham family.

TRIBUTE TO BUD GORDON—IRA D.
CALVERT DISTINGUISHED SERVICE
AWARD RECIPIENT**HON. KEN CALVERT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication contributions to the community of Corona, California are exceptional. Corona, and surrounding communities, has been fortunate to have dynamic and dedicated business and community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Bud Gordon is one of these individuals. On March 22, 2003, Bud will be honored at the annual YMCA Ira D "Cal" Calvert Distinguished Service Awards Dinner.

For the past several years, Bud has volunteered and supported many of our most recognizable civic projects in Corona. He has served as the Executive Chairman of the Happy Hairston Youth Foundation and with late Happy Hairston, chaired the golf tournament for many years. Over the past seven years, Bud also has raised over one million

dollars for local charities while serving as the Chairman for numerous golf tournaments that benefited local groups such as the Fender Museum Foundation, the Boy Scouts, the ARC Angel Foundation and the Happy Hairston Youth Foundation. He has also served as a committee member on several other charity golf tournaments such as the American Cancer Societies, The Boys and Girls Club of Temecula, and the Corona Regional Medical Center.

In addition to his service on established charitable organizations, Bud initiated a new program called "The Cool Down Corona Program". During the hot summer months, senior citizens without air conditioning were suffering needlessly. Bud decided to go down to the local hardware store and purchase 30 window air conditioners. He then contacted the Corona Police Department, the Corona Fire Department and the Corona Senior Center and obtained the names of seniors in our community that did not have air conditioners. Over the past few years the program has grown and every year more seniors are helped during the summer months with much needed relief.

Bud also co-founded the At Risk Children Foundation, or ARC Angel Foundation and has raised and given back to the community over half a million dollars in goods and services. One of the first activities organized by ARC Angel was to take 700 children from low-income families to an Anaheim Angels ballgame at Edison Field, many of whom had never been out outside the city of Corona. Bud personally funded the tickets, food, souvenirs, and a mobile disc jockey.

One of the defining moments in Bud's charitable record, was his involvement after September 11, 2001. On the weekend following the tragedy, Bud gave away United States flags to anyone who came into his car dealership requesting a flag. He also offered to donate \$100 to the New York Relief Fund for each car that was sold in the name of that customer. On the week anniversary of September 11th, Bud closed the dealership at noon to have a brief program in remembrance of the victims. Local firefighters and police were honored and Bud announced he would match funds for anyone who would like to donate money to the relief efforts.

Bud has set a standard of excellence and commitment in his work with charity. His tireless passion for community service has contributed immensely to the betterment of the community of Corona, California. His involvement in the community makes me proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he receives the "Ira D. Calvert Distinguished Service Award".

HONORING KEN GOODWIN

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to recognize Ken Goodwin for exemplary service on the occasion of his retirement from Otero Junior College. Ken served in the college's technology department for thirty-two years, taking over as Director of

Computer Services in 1979. His leadership has kept OJC on the cutting edge of technology for over three decades.

Ken was born and raised in the Arkansas Valley. He graduated from Otero Junior College with an Associate's degree and completed his Bachelor's degree at Southern Colorado State College, now the University of Southern Colorado in Pueblo. He returned to OJC as a computer operator in 1971.

In his thirty-two years at OJC, Ken oversaw tremendous changes, watching his computers shrink from the size of a room to the size of his hand. Ken helped to connect OJC's computer network to the Colorado Community College System and expand the role played by technology in the daily life of the campus and its students. He also took the lead on technology issues on a region-wide basis. In 1998, the Colorado legislature established the Connect Colorado project to develop technology in rural Colorado by networking schools and non-profit organizations. Originally serving as a representative of OJC to the larger project, Ken eventually agreed to take over as project manager himself.

Mr. Speaker, it is a great privilege to recognize Ken Goodwin for his service to Otero Junior College and southeastern Colorado. Ken's efforts have provided the foundation for the continuing expansion of technology to students and citizens in rural Colorado. I wish him well in his retirement.

TRIBUTE TO WASHINGTON REDSKINS CORNERBACK DARRELL GREEN

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. HINOJOSA. Mr. Speaker, it is with great pleasure that I rise today to honor Darrell Green. Mr. Green recently retired after 20 years, as a star cornerback, with the Washington Redskins. During that time he became one of the National Football League's all-time best, and most honored, players.

As a native of Houston, Texas, Darrell Green began his athletic career at Jones High School. From 1978–1983, he attended Texas A&M University, which is now Texas A&M Kingsville and is located in the 15th district. There he was an Associated Press Little All-America and American Football Coaches Association All-America first-team honoree. Mr. Green was on the All-Lone Star Conference first team as a junior and senior and was selected as the Lone Star Conference's most valuable player in 1982. He was selected to the Lone Star Conference Team of the Decade for the 1980s.

Much of Darrell Green's collegiate stardom came from his accomplishments not on the football field, but on the track, where his phenomenal speed as a sprinter made him one of the world's fastest runners. His mark in the 100-meter dash still stands as the all-time best in the Lone Star Conference. Mr. Green was named to the NCAA Division I All-America roster in 1981 and 1982, was on the NCAA Division II All-America team in five events in 1981 and 1982, was NAIA All-America in 1981 and 1982 in four events, and was named the most valuable track performer at the 1982 and 1983

Lone Star Conference Championships. He has been inducted into the Lone Star Conference Hall of Honor and the Javelina Hall of Fame.

In the spring of 1983, Darrell Green was a first-round draft choice of the Washington Redskins. During his first regular-season game with the Redskins, he electrified football fans everywhere when he crossed the field to chase down and tackle the legendary Dallas Cowboy running back, Tony Dorsett, preventing a sure touchdown. Similar exploits on the field that year earned him the title of NFL Rookie of the Year. Since then, he has been a seven-time All-Pro defensive back, four-time NFL Fastest Man honoree and two-time Super Bowl championship team member. Mr. Green holds a remarkable number of NFL and Redskins records, including first NFL player to make at least one interception in 19 consecutive seasons; first NFL player to return an interception for a touchdown at age 37; first NFL player to play cornerback at the age of 42; first Redskin to play 20 consecutive seasons, start in 254 games and play 279 games; first Redskin to have 54 interceptions; first Redskin to return a fumble 78 yards for a touchdown—the longest in Redskin history; and the first Redskin to return six interceptions for touchdowns in a season.

Darrell Green has also been a shining star off the field through his dedicated efforts to help at-risk youth. In 1988, he founded the Darrell Green Youth Life Foundation, which opens doors of opportunity for neglected children living in unsafe environments. The mission was accomplished through community-based, value-driven learning centers operating in urban, suburban and rural neighborhoods throughout America. The first Darrell Green Youth Life Learning Center was established in 1993 and has grown to six operating centers in three states. For his extraordinary humanitarian endeavors, Green has received an honorary doctorate from Marymount University. He has also received honorary doctorate degrees from George Washington University and American University. Darrell currently serves on the board for the Baltimore-Washington 2012 Olympic Games bid, NFL/NFLPA Sept. 11 Relief Fund and the Loudon Education Foundation. He has received numerous awards and was recently inducted into the Texas Sports Hall of Fame in 2001.

Mr. Speaker, I call upon my colleagues to join me in honoring my fellow Texan, Darrell Green, for his extraordinary accomplishments both on and off the football field. His alma mater, Texas A&M Kingsville, and I are justifiably proud not only of his fabulous football career, but of his long-standing commitment to help at-risk children reach their fullest potential and achieve their dreams.

TRIBUTE TO MAJOR JOSE RAMON BACA

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. BACA. Mr. Speaker, I would like to pay tribute to Major Jose Ramon Baca, who is a very special individual to me. He was truly appreciated and loved by all who were fortunate enough to know him.

Jose "Ray" Baca was born in Las Nutrias, New Mexico, to Alberto and Josefita Peralta

Baca on March 19, 1940, and grew up in Albuquerque's South Broadway neighborhood. Ray graduated Albuquerque High School in 1958, and continued his education at the University of New Mexico. He graduated from the University in 1962 with a B.S. in chemical engineering and was a member of the Tau Beta Pi National Engineering Honor Society. After graduating, Ray married Victoria Morales in San Antonio, Texas on July 16, 1966. Together they raised their two sons, Rafael and Arthur.

Once joining the Air Force, Ray's ambition, brilliance, and passion poised him for success. During his 20-year career in the Air Force, he worked as a launch officer for the Atlas Missile Project in Roswell and in Turkey. He received a Masters of Science degree in 1968 in nuclear engineering from the Air Force Institute of Technology (AFIT) at Wright Patterson Air Force Base, Ohio. He also worked as a staff scientist at McClellan Air Force Base in California and later at the Air Force Missile Command in Washington, D.C.

His yearning for knowledge led him to return to the University of New Mexico. In 1987 he received a M.A. in History and Southwestern Studies and was a doctoral candidate in history. His dream was to continue to research and write about his native state.

Ray passed away on June 6, 2002 surrounded by his loving family. He was preceded in death by his father, Alberto Baca and sister, Viola Baca, and is survived by his wife of 35 years Victoria Baca; sons Rafael and Arthur; mother Josefita Baca; and sisters Dolores Padilla, Priscilla and Anna Mae Baca. His family, innumerable friends and community will miss him greatly.

He will be remembered as a loving and generous husband, father, son, brother, and friend. He valued his family above all things, and supported and encouraged them in all stages of their lives. He instilled in his children a strong sense of family, love, and respect, and he encouraged them to excel in their education. He was an exceptional, compassionate and motivating individual.

And so Mr. Speaker, I submit this loving memorial to be included in the archives of the history of this great nation.

THE MEDICAL MALPRACTICE INSURANCE AND LITIGATION REFORM ACT OF 2003

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. CONYERS. Mr. Speaker, I am pleased to introduce the Medical Malpractice Insurance and Litigation Reform Act of 2003. This legislation responds to the real problems in the medical malpractice insurance market—namely, higher prices driven by lack of competition and investment losses by insurers leading to a boom bust cycle. To respond to these problems, Title I of the bill insures that the antitrust laws apply to medical malpractice insurers, price comparisons can be easily obtained, and procedural checks are in place to insure that premium increases are warranted and can be challenged by health care providers.

Above and beyond these requirements, the bill responds to concerns that medical mal-

practice is not available in parts of the country. As a result, Title II would create a Federal medical malpractice insurance association, housed within the Department of Health and Human Services, to provide medical malpractice insurance where it is not available at reasonable terms.

In addition, the bill responds to the complaint that medical malpractice insurance premiums are being driven higher as a result of frivolous complaints. Title III of the bill provides for a series of measures designed to insure that the lawsuit itself is not frivolous and that the pleadings filed in connection with the suit are accurate and meritorious. Title III also provides for alternative dispute resolution designed to encourage resolution of medical malpractice actions outside of court. The following is a more detailed description of the legislation.

SECTION-BY-SECTION ANALYSIS MEDICAL MALPRACTICE INSURANCE AND LITIGATION REFORM ACT

TITLE I—MEDICAL MALPRACTICE INSURANCE REFORM

This Title constitutes an effort to respond to some of the flaws apparent in the medical malpractice insurance marketplace and the regulation of that market. Among other things, the title insures that the antitrust laws apply to medical malpractice insurers, price comparisons can be easily obtained, and procedural checks are in place to insure that premium increases are warranted.

Section 101. Prohibition on Anticompetitive Activities by Medical Malpractice Insurers. Repeals McCarran-Ferguson to ensure that insurers don't engage in price fixing. The Act, enacted in 1945, exempts from the Federal antitrust laws all anticompetitive insurance industry practices except boycotts. Over the years, uneven oversight of the insurance industry by the States, coupled with no possibility of Federal antitrust enforcement, has created an environment that fosters a wide range of anticompetitive practices.

Section 102. Medical Malpractice Insurance Price Comparison. Creates an Internet site at which health care providers could obtain the price charged for the type of coverage the provider seeks from any malpractice insurer licensed in the doctor's state. This section specifies the availability of online forms and that all information will remain confidential.

Section 103. Procedural Requirements for Medical Malpractice Insurers' Proposed Rate Increases. Gives doctors standing in any state administrative proceeding to challenge proposed rate increases and requires insurance companies to provide justification for any rate increase prior to implementing such increase. Only a handful of states (Alabama, Arizona, Illinois, New York, Oklahoma, and possibly a few others) require that rates be filed and approved by the state insurance department before they can be used.

TITLE II—FEDERAL MEDICAL MALPRACTICE INSURANCE ASSOCIATION

There have been isolated reports that physicians are unable to obtain medical malpractice insurance at any rate and this title is designed to deal with that problem by providing a federal backstop. The title also provides for disclosure of information by private insurers so that more information can be obtained on the reasons for any problems in the malpractice insurance marketplace.

Section 201. Establishment; Purpose. Establishes an Association within the Department of Health and Human Services to provide medical malpractice insurance where it is not available at reasonable terms.

Section 202. Board of Directors. Creates a board of directors for the Association. The board has authority to run the Association and to act like a governing body of a private insurance carrier. This section sets out specifics as to the number of appointments, eligibility, and vacancies.

Section 203. Administration. An administrator is appointed to act as the Association's chief executive officer, in charge of day-to-day operations and management of the Association. The Association shall be fully operational no later than 180 days after the date of enactment of the Act.

Section 204. Rates. Gives the board authority to establish rates to be charged by the Association. The board will use an actuary to recommend rates, and rates shall be set at amounts sufficient, when invested, to carry all claims to maturity, meet reasonable expenses of conducting the business of the Association and maintain reasonable surplus. The insurance program shall be neither more nor less than self-supporting. The Association is authorized to purchase reinsurance.

Section 205. Investment Policy. Provides that the board of directors shall formulate and adopt an investment policy and supervise investment activities of the Association. Gives the Association the ability to retain independent investment counsel and requires the board to periodically review and appraise the investment strategy.

Section 206. Medical Malpractice Risk Management Program. Requires the administrator to develop a risk management program for all policyholders and to solicit input from the National Association of Insurance Commissioners in developing the program. Insurance may be refused or terminated if any insured disregards the plan and the administrator may consider compliance with the plan in determining premiums of the insured.

Section 207. Seed Money to be Funded by Treasury Department Loan. Provides for the funding of the Association by the Secretary of Treasury through one or more 5 year term loans in an amount not to exceed \$100,000,000 for start-up funding.

Section 208. Disclosure of Data by Medical Malpractice Insurers. This section requires each insurance provider to file a copy of its annual statement with the Chairperson of the Association. The insurer shall also provide information regarding (1) closed claims; (2) verdicts, payment, and severity of injury in connection with verdicts; (3) rate changes; (4) premiums and losses by medical specialty; (5) premiums and losses by experience of the insured; (6) performance of the investments of the insurer.

Section 209. Annual Report by Chairperson. Requires the Chairperson to file an annual report with the President and Congress that includes: (1) a statement of the Association's accounts, funds, and securities; (2) copies of reports required by the National Association of Insurance Carriers; (3) any requests for additional loans; (4) an assessment of the medical malpractice insurance marketplace; (5) an assessment as to why health care providers have been unable to obtain insurance at reasonable prices; and (6) a report summarizing the information disclosed pursuant to Section 208 and attaching the disclosed information.

Section 210. Financial Matters. Requires the administrator to submit to the board an estimated budget of the expenses of administering the Association. If assets exceed liabilities, necessary reserves and reasonable surplus, the Association shall declare a cash dividend or allow a credit to any health care provider that has complied with the risk management program.

Section 211. Definitions.

TITLE III—LIMITING FRIVOLOUS MEDICAL MALPRACTICE LAWSUITS

The complaint is frequently heard that medical malpractice insurance premiums are being driven higher as a result of frivolous complaints. This title responds to that charge with a series of measures designed to insure that the lawsuit itself is not frivolous and the pleadings filed in connection with the suit are accurate and meritorious. The title also provides for alternative dispute resolution designed to encourage resolution of medical malpractice actions outside of court.

Section 301. Health Care Specialist Affidavit. This section requires an affidavit by a qualified specialist before any medical malpractice lawsuit may be filed. "Qualified specialist" is defined as a health care professional with knowledge of the relevant facts of the case, expertise in the specific area of practice at issue in the case, and board certified in a specialty relating to the area of practice.

Section 302. Sanctions for Frivolous Actions and Pleadings. Sets out sanctions for filing improper pleadings in medical malpractice actions violations, such as those which are designed to harass, are frivolous, or are factually inaccurate. For first time violators, the court shall require the attorney to pay costs and attorneys fees and may also strike pleadings, dismiss the lawsuit, or administer other appropriate sanctions. For second time violators, the court shall also require the attorney to pay a monetary fine. For third time violators, the court shall also refer the attorney to the appropriate State bar association for disciplinary proceedings.

Section 303. Mandatory Mediation. This section establishes an alternative dispute resolution system for medical malpractice cases. Participation in mediation shall be in lieu of any other ADR method required by law or by contractual arrangements by the parties. A similar approach is recommended by the Committee for Economic Development, which suggests that defendants make and victims accept "early offers." The effect of the "early offer" program, according to the CED, is that defendants will reduce the likelihood of incurring costs of litigation and having to pay large and uncertain punitive and noneconomic damages, and victims would obtain fair compensation without delay, expense and trauma of litigation.

Section 304. Applicability. Specifies that the title applies to any medical malpractice liability action brought in state or federal court, except for claims arising from vaccine-related injuries.

Section 305. Definitions.

TRIBUTE TO CODY SCOTT BATTY

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to honor a young hero, six-year-old Cody Scott Batty of Montrose, Colorado. Cody displayed quick thinking and uncommon courage when he saved his father, Scott, from a life threatening situation. I would like to commend Cody's actions and courage before this body of Congress and this nation.

On December 22, 2003, Cody and his parents were on their way to California to see family. As anyone who has made this trip knows, it is a long and arduous drive, so the family decided to take a little break from the trip in Mesquite, Nevada. Cody and his father

were outside a bowling alley in Mesquite when his father collapsed as a result of a blood clot that had formed on his skull. Despite the situation, Cody remained calm. He called out for help, but no one came to their aid. Thinking quickly, Cody ran into the bowling alley, borrowed a phone and called 911. He then returned to his father's side and remained there until the paramedics arrived.

Mr. Speaker, I am honored to rise today and recognize the heroic efforts of Cody Batty before this body of Congress and this nation. Cody has said that he would like to become a police officer or paramedic someday with the bravery that this young man has shown, he is well on his way. Cody's quick actions saved his father's life, and his courage should be an inspiration to us all. It is a great honor to represent such a fine young American in this Congress.

COMMENDING THE ACHIEVEMENTS OF THE WIND SYMPHONY AND JAZZ KNIGHTS AT SACRED HEART SENIOR HIGH SCHOOL

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. MORAN of Kansas. Mr. Speaker, congratulations to the fifty-four students from Sacred Heart Senior High School in Salina, Kansas for their upcoming participation in "The Red Road Travel/Study Tour." This experience will include performances at a series of Native American reservation schools in South Dakota from March 16–19, 2003. I commend each of these students for their hard work and success: James Andrewson, David Arpin, Sarah Arpin, Matthew Bachofer, Shannon Bechard, Kyle Berens, Stephanie Bieker, Hillary Blue, Kelly Breckunitch, Matt Broberg, Danielle Budreau, Jennifer Budreau, Jason Bulliegh, Katey Clark, Jason Curran, Kyle Davis, Alan Deneault, Courtney Ducharme, Lauren Ducharme, Christina Fekas, Shandra Francis, Vanessa Greene, Carissa Helvey, Emily Henke, Jessica Herbic, Alex Hernandez, Adria Jerkovich, Anne Kelly, Jessica Kelly, Andy Kinard, Matt Kienda, Jeff Koetting, Abby Luetters, James McKee, Mary Kate McKee, J.J. Neubauer, Ashley O'Brien, Jessica Polich, Michael Ratcliff, Susan Riordan, Lindsey Sandquist, Raquel Santiago, Emily Schmidt, Alisha Schoel, Tine Schoel, Kristen St. John, Marisol Sternke, Janell Straub, Jennifer Suelter, Raul Vasquez, Sarah Vermillion, Tyler Vishnfske, Megan Wells, Lauren Zey.

"The Red Road Travel/Study Tour" is the latest event in a series which provides performance and educational opportunities for students. Paramount to this tour is the opportunity for these young people to experience a unique and different culture, while expressing good will through their musical talents.

I would also like to recognize their director, Milt Allen, for helping prepare these young musicians. Mr. Allen's commitment and dedication to nurture and encourage our youth shines through the accomplishments of his students. The First Congressional district is proud to be represented by Sacred Heart Senior High School in this meaningful program. I commend Mr. Allen for his excellent job promoting education and the arts among the youth of Kansas.

It is an honor to recognize such a meritorious group.

TRIBUTE TO DANIEL WILLIAM PIERCE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. GRAVES. Mr. Speaker, I Proudly pause to recognize Daniel William Pierce, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 67, and in earning the most prestigious award of Eagle Scout.

Daniel has been very active with his troop. Over the five years, he has been involved in scouting, he has held numerous leadership positions, serving as patrol leader, assistant senior patrol leader, senior patrol leader, troop quartermaster, troop historian and troop guide. Daniel also has been honored for his numerous scouting achievements with such awards as the Tribe of Mic-O-Say Award. Additionally, Daniel has earned 39 merit badges.

For his Eagle Scout project, Daniel organized and designed a circle driveway through a park and also put wood posts around the drive and poured 3 concrete pads for picnic tables.

Mr. Speaker, I proudly ask you to join me in commending Daniel William Pierce for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

SUPPORT FOR THE VIOLENCE AGAINST WOMEN

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. HOLT. Mr. Speaker, I rise today in support of full funding of the Violence Against Women Act. This law has fostered countless initiatives that have brought millions of dollars to shelters, increased resources for law enforcement, expanded the National Domestic Violence Hotline, and bolstered the prosecution of child abuse, sexual assault, and domestic violence cases.

These programs and services are invaluable. U.S. Department of Justice statistics indicate that domestic violence has decreased by 49% since VAWA went into effect. They also reaffirm that full funding for VAWA is well worth the investment. It is estimated that the \$1.6 billion spent on VAWA programs during the first six years after its enactment saved government coffers \$14.8 billion in medical, legal, workplace and other social costs, not to mention saving many lives.

Unfortunately, state budget crises and decreases in federal funding are threatening these vital programs and services. President Bush's budget request for FY 2004 would cut funding for VAWA programs and services by \$141.6 million in FY 2004 from the previously authorized level of \$692.5 million.

Our nation must renew our commitment to ending all forms of domestic violence. I urge

my colleagues to appropriate full funding to fulfill the mission of the Violence Against Women Act.

TRIBUTE TO NANCY REDING

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. MCINNIS. Mr. Speaker, it is with great honor that I rise today to recognize Nancy Reding of Colorado City, Colorado. Nancy is one of those great Americans who teaches our kids as a profession and it is my pleasure to represent her in this Congress. Recently, her colleagues at Pueblo Community College named Nancy the faculty member of the year and I could not miss this opportunity to acknowledge her dedication and commitment to education before this body of Congress.

For the past 30 years, Nancy has given her life to teaching math to students in her Colorado community. We should all be humbled by this generous contribution to society and the sacrifice Nancy has made as an educator. Just think of the countless number of lives Nancy has touched. Nancy not only has lent her talents but her heart as well and, by so doing, she has given her students an awesome gift—the opportunity to succeed.

Mr. Speaker, I am proud to stand today and express my gratitude for Nancy Reding before this Congress and our nation. It is a chance for us to remind our fellow citizens that when you find a good teacher, thank him or her from the bottom of your heart for doing one of the toughest jobs in the country. Teaching is truly a noble calling and Nancy Reding has answered that call.

AMERICAN SERVICEMEMBER AND CIVILIAN PROTECTION ACT OF 2003

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. PAUL. Mr. Speaker, I rise today to introduce the "American Servicemember and Civilian Protection Act of 2003."

This bill prohibits funds made available by the United States Government from being used for the establishment or operation of the Court.

Perhaps the most significant part of the bill makes clear that any action taken by or on behalf of the Court against members of the United States Armed Forces shall be considered an act of aggression against the United States; and that any action taken by or on behalf of the Court against a United States citizen or national shall be considered an offense against the law of nations.

Mr. Speaker, on May 6, 2002, President George W. Bush took the commendable step of repudiating the signature of the United States on the Statute of the International Criminal Court, stating that the United States "can no longer be a party" to the International Criminal Court. He also requested that those states choosing membership in the Court respect the decision of the United States in this matter.

Mr. Speaker, the Court is an illegitimate body even by the United Nations' own standards. The Statute of the International Criminal Court was enacted by a Conference of Diplomats convened by the United Nations General Assembly, whereas according to the UN Charter, the authority to create such a body lies only in the UN Security Council.

The International Criminal Court was established contrary to the American Declaration of Independence and the Constitution of the United States. It puts United States citizens in jeopardy of unlawful and unconstitutional criminal prosecution.

The International Criminal Court does not provide many of the Constitutional protections guaranteed every American citizen, including the right to trial by jury, the right to face your accuser, and the presumption of innocence, and the protection against double jeopardy.

Members of the United States Armed Forces are particularly at risk for politically motivated arrests, prosecutions, fines, and imprisonment for acts engaged in for the protection of the United States. These are the same brave men and women who place their lives on the line to protect and defend our Constitution. Do they not deserve the full protections of that same Constitution?

Last year Congress passed the American Servicemembers' Protection Act within the Defense Authorization bill. Commendable as that effort was, the fact of the matter is that because of the numerous loopholes and exemptions in that legislation, our servicemembers are still not protected from the probing arms of the International Criminal Court. American citizens have absolutely no protection under last year's legislation. This is simply unacceptable. That is why I am introducing this legislation that makes the position of the United States clear: we will protect our servicemembers and citizens from this illegal court.

Mr. Speaker, I hope all members of this body will join me in opposing this illegitimate and illegal court by cosponsoring the "American Servicemember and Civilian Protection Act of 2003."

TRIBUTE TO RETIRED LT. COLONEL JOHN V. AZEVEDO

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. CARDOZA. Mr. Speaker, I rise today to pay tribute to Retired Lt. Colonel John V. Azevedo for his service to our Nation and to his community.

John was born in Patterson, California to Joe and Maria Faustino Azevedo on December 21, 1919. He attended school in Patterson, then attended college in Modesto and Salinas. He then completed his education in Tokyo, Japan at Sophia University.

John joined the Army in May 1941, where he held the rank of Sergeant in the Infantry. In 1942, he was promoted to Second Lieutenant and served in England. John was in Normandy, France, crossing the beach 20 days after the first landings. While in France, John crossed Cherbourg, LeMans and Paris. He also served in Belgium as well as Holland. Following World War II, John was assigned to the Occupation Forces in Japan where he be-

came Special Staff to General Douglas MacArthur.

During the Korean War, John served in both North and South Korea. Following his assignment in Korea, John served Stateside where he was stationed as an instructor at the Adjutant General's School in Indiana. When that assignment was up, John was sent once again to Japan for 3 years. He returned to the United States where his assignment landed him at the Pentagon with promotion to Major. When his assignment was complete at the Pentagon, John was sent back overseas where he was stationed in Heidelberg, Germany. John again returned to the United States and spent time in San Francisco where he served at the Reserve Forces Headquarters. John was promoted to the rank of Lieutenant Colonel and returned to the Pentagon where he served as Director of the Army and Air Force Postal Service.

John served his country admirably for 25 years. John retired as a Lieutenant Colonel from the Army in 1966 and returned to his roots once again in Patterson, California. Once back in Patterson, he was elected to serve on the Patterson City Council where he also served as Vice Mayor.

John has served his community well. He is one of the founding members of the Patterson Historical Society where he served as a volunteer curator for over 20 years. The Patterson Apricot Festival honored John in 1997 by naming him Grand Marshal to preside over the Festival that year. John organized the Patterson Beautification Committee.

John has not only been honored by his community, but by his state as well. John was introduced on the California State Assembly floor where he was presented with an Assembly Resolution recognizing his volunteer work for the City of Patterson as well as Stanislaus County.

It is my pleasure to join the Patterson community in recognizing John V. Azevedo for his commitment to his community. It is an honor to call John my friend and represent him in the 18th Congressional District.

TRIBUTE TO MARY HELEN YBARRA—IRA D. CALVERT DISTINGUISHED SERVICE AWARD RECIPIENT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Corona are exceptional. Corona has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Mary Ybarra is one of these individuals. On March 22, 2003, Mary will be honored at the annual YMCA Ira D. "Cal" Calvert Distinguished Service Awards Dinner.

Mary was born in Yuma, Arizona but has resided in Corona for many years. She began service to the community at a very young age and as a teenager Mary was constantly busy organizing food drives for the needy in her local community. This drive and special gift of

helping others would stay with her into adulthood. When her children began elementary school she quickly became involved in her local PTA. This involvement paved the way for her never-ending community interest and desire to serve. Many city events and organizations have greatly benefited from her presence.

Some of the organizations that Mary has worked with include: ARC Angels, El Protector, Relay for Life, Day of the Young Child, A Day for Nicole, Little League Baseball, and Corona High Football Boosters. Mary has also chaired or co-chaired the following city events: the Health and Safety Fair, the Community Red Ribbon Week Celebration, the Community Blood Drive, and the fundraiser for Corona Regional Medical Center, "An Evening to Remember". Mary has also served as a YMCA Board Member, a member of several school site councils and has been involved in various school district committees.

Throughout her years of involvement Mary has been instrumental in organizing numerous community events to help the needy and the underprivileged. Mary's crowing achievement was using her connections and undeniable powers of persuasion to organize two critical blood and marrow drives. Community participation in these events was overwhelming. Mary's experience, positive attitude, humor, wisdom, and determination led to the perfect bone marrow match for two wonderful and well deserving children of our community.

Mary's tireless passion for community service has contributed immensely to the betterment of the community of Corona, California. She has been the heart and soul of many community organizations and events and I am proud to call her a fellow community member, American and friend. I know that many community members are grateful for her service and salute her as she receives the "Ira D. Calvert Distinguished Service Award".

TRIBUTE TO CHUCK SHUPE

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to honor Chuck Shupe of Riverside, Colorado for his dedication to the youth of his community. Chuck has selflessly given 28 years to the educational needs of children in the area, and as he celebrates 28 years of service, I would like to recognize his accomplishments before this body of Congress and this nation.

Chuck began his career as a teacher and a coach in a small rural Illinois school. Like so many other successful individuals, he decided to further his education. After graduating from the University of Illinois with a Master's degree in Education and Administration, Chuck was offered a job as the principal of a large inner-city school. At the age of twenty-five, Chuck became the youngest principal in Illinois. Yet, despite his age, he met the challenges and responsibilities he faced.

Needing a change, Chuck moved to Colorado where he worked both in Leadville and Basalt. Eventually, he became the principal of Riverside School. Chuck takes a hands-on approach and finds interaction with the students

to be very important, and the highlight of his day. He pours his heart and soul into the lives of his students, even creating a student ambassador program called "Shupe's Troops," which allows students the opportunity to improve their school.

Mr. Speaker, I am honored to rise today before this body of Congress and this great nation to recognize the dedication of Chuck Shupe, a true public servant. His generous attitude and love of the job have inspired many and have truly made a difference in his community. We should all emulate the selfless example of Americans like Chuck.

HONORING MUJERES UNIDAS

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. HINOJOSA. Mr. Speaker, I rise today to bring to the attention of my colleagues a remarkable organization in the 15th district of Texas that helps victims of domestic violence. In recognition of "Stop Domestic Violence Week", I would like to highlight the accomplishments of the organization "Mujeres Unidas"—Women Together.

Mujeres Unidas is a non-profit agency that is tirelessly dedicated to helping women overcome domestic violence. Through community education, housing assistance, legal advocacy, and other outreach programs, Mujeres Unidas is offering hope and an improved quality of life to women in South Texas who have suffered violence and abuse in their own homes. For many women, a program like Mujeres Unidas is the difference between a dangerous living environment that can result in serious injury or death, and a future filled with personal growth and independence.

I would like to commend this extraordinary organization and thank them for their strong commitment to helping victims of domestic violence and for their Superior service to my district.

TRIBUTE TO WILLIE BENSON GARRETT

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. BACA. Speaker, it is with deep affection that I pay tribute to the life of Willie Benson Garrett, longtime San Bernardino community and political leader and dear friend. Willie passed away in the comfort of his own home at the age of 75 on February 28, 2003.

Willie was born in San Augustine, Texas. He graduated from San Augustine Colored High School and from H. M. Morgan Barber College. He later moved to San Francisco where he graduated from Marinella Beauty College. He then enlisted and served in the Merchant Marines for two years, after which he was honorably discharged.

In 1957, Willie moved to San Bernardino where he has resided for the past 46 years and where he began his lifelong commitment to public service. Garrett's Barbershop earned recognition as one of the most successful bar-

ber businesses in the area and was the catalyst for Willie's commitment to the betterment of his community. Garrett's Barbershop became the central point within the community where many local leaders discussed political, economic, social and other issues.

As a community and political activist, Willie was President of the NAACP, supported the League of Mothers, helped establish WAG, was a member of The Black Democratic Club, was the Best Yet Promotions Political Campaign Advisor, and managed the Westside Drop-In Center in the City of San Bernardino. For his many contributions, Willie received the "Man of the Year" award for San Bernardino, received the 2001 NAACP Community Activist Award and received the "Role Model of the Year" award by WAG.

Willie did not let his retirement stop him from making sure the well being of his community continued to be a priority. Willie was a member of the New Hope Baptist Church and more recently the impetus behind seminars and workshops on prostate cancer, diabetes, and other health issues relevant to women and men through support garnered from Kaiser, Community Hospital, The VA and Loma Linda Hospitals. He also provided leadership to the camping program of the local 4-H youth program for a number of years and helped pave the way for Native Americans to help teach to the 4Her's.

Willie credited his success to the grace of God and to the support of his loving wife, Constance Garrett, of over 20 years. His 2 daughters, Bertha Hilburn and Patricia Scott, 2 sons, Shelley Garrett and Craig Garrett Cramer, 7 grandchildren, 3 great-grandchildren, 3 sisters, Erma Jean Stafford, Ruth Stewart and Freddie Bivins and 2 brothers, Earnest and Leonard Garrett, also survive him.

Willie Benson Garrett has left behind a wonderful legacy of community and political activism. The many nieces, nephews, cousins, relatives and friends who loved him dearly will miss him. Willie touched us all with his kind deeds and leadership in our community. Barbara and I extend our deepest condolences to Willie's family. May God bestow his comfort upon them at this time.

INTRODUCTION OF THE HEALTH CARE IMPROVEMENT ACT OF 2003

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. CONYERS. Mr. Speaker, I am pleased to introduce, along with Congressman BACHUS, the Health Care Improvement Act of 2003. This is the successor legislation to the Campbell/Conyers bill from 107th, which passed the House by an overwhelming 276-136 vote. The legislation responds to two alarming anti-consumer trends—the ever increasing level of concentration among health insurers and exclusionary contracting practices by health insurance companies. The last five years have seen a massive consolidation in the health insurance and managed care market as more than a dozen health insurance competitors have been eliminated through mergers and acquisitions.

The dangers posed by this ever increasing market concentration are exacerbated by the

practice of health insurers engaging in heavy-handed negotiating tactics and requiring exclusionary contractual commitments from health care providers. Such restrictive contractual terms are frequently proffered on a "take it or leave it" basis to health care providers, under the threat of the loss of the provider's patients or exclusion from their access to other patients.

Our legislation responds to the problem by allowing physicians or other health care professionals to collectively negotiate with a health plan over contractual terms or plan policies. Presently, joint negotiations with a health plan by physicians or other health care professionals who are not financially integrated are illegal per se under the federal antitrust laws if they involve fees or prices. Under this legislation, such activities would be subject to review based on a more liberal "rule of reason" analysis, which could take quality of health care into account.

I have taken a particular interest in this legislation because of the unfairness of the current market situation on African American doctors. I am aware of a number of incidents in Detroit and around the country of minority physicians being threatened that they will lose all of their business unless they enter into one-sided service contracts. This bill gives physicians the ability to respond to these abuses on a collective basis.

The legislation is strongly supported by a wide array of health care professional and trade organizations.

HONORING THE TELLURIDE ADAPTIVE SKI PROGRAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize the Telluride Adaptive Ski Program for its creativity in expanding participation in winter sports. TASP organizes programs that give disabled people from all over the country the opportunity to experience skiing and snowboarding in Colorado's beautiful mountains.

TASP helps to make skiing accessible to diverse groups of people by using adaptive teaching techniques and equipment to accommodate new skiers with disabilities, both physical and mental. TASP also builds bridges between disabled and non-disabled participants with innovative partnering programs. TASP's programs build independence, confidence, and self-esteem by introducing disabled citizens to the freedom and fun that skiing can provide. More Coloradoans and Americans each year benefit from TASP's lessons, camps, and volunteer programs.

Mr. Speaker, it is a great privilege to recognize the Telluride Adaptive Ski Program for its outreach to the disabled community. On the slopes and off, TASP participants feel capable, empowered, independent, and healthy. Everyone deserves the opportunity to experience Colorado's natural beauty, and I am proud to salute a program that expands access to the best recreational opportunities Colorado has to offer.

TRIBUTE TO MR. MILTON LLOYD MORRISON OF SALINA, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. MORAN of Kansas. Mr. Speaker, I rise today to pay tribute to a man who affected the lives of many people in Kansas and across the country. This month we mourn the death of Mr. Milton Lloyd Morrison of Salina, Kansas. Milton Morrison was a quiet giant.

A life-long Kansan, Milton was always true to his roots. He lived a life guided by the morals and values we hold dear: abiding faith, faithful service and absolute integrity.

Milton's dedication to his community is renowned. Throughout his life, Milton took a lead role in making certain his community was progressive in pursuits of quality of life issues. His leadership and commitment to his church, college alma mater and professional trade associations were inspired by a favorite quote, "Service is the rent we pay for the space we occupy in this world."

Milton was by every account a successful businessman. With a disciplined approach he directed Morrison Ventures, a leading grain storage and farmland investment operation. His management style was always marked with trademark methodical thinking and a keen emphasis on patience and perseverance.

Most important to Milton was his family. Over the course of 65 years he and his wife Becky raised two sons, Roger and Richard, and devoted endless love and attention to six grandchildren and 12 great-grandchildren.

Milton Morrison made his community, state and nation a better place. I join his many friends and admirers in extending my deepest sympathies to Becky and her family during their time of loss.

TRIBUTE TO JACOB AUSTIN GARDNER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jacob Austin Gardner, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 67, and in earning the most prestigious award of Eagle Scout.

Jake has been very active with his troop, participating in such Scout activities as Camp Geiger. Over the 8 years he has been involved in Scouting, he has held numerous leadership positions, serving as Assistant Senior Patrol Leader, Patrol Leader, Senior Patrol Leader, Quartermaster, and Junior Scout Master. Jake also has been honored for his numerous Scouting achievements with such awards as Warrior in the Tribe of Mic-O-Say, Brave in the Tribe of Mic-O-Say and Fire Builder in the Tribe of Mic-O-Say. Additionally, Jake has earned 32 merit badges.

For his Eagle Scout project, Jake cleaned up and built a new fence around Mitchell Cemetery, which is one of the oldest cemeteries. The cemetery dates back to 1840 and

contains the graves of slaves, Abraham Lincoln's aunt and more than 30 Civil War veterans, both Union and Confederate.

Mr. Speaker, I proudly ask you to join me in commending Jacob Austin Gardner for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

EAST BRUNSWICK HIGH SCHOOL

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. HOLT. Mr. Speaker, on April 26, 2003, more than 1200 students from across the country will compete in the national finals of the We the People: The Citizen and the Constitution program in Washington, D.C. This program is the most extensive educational program in the country, developed specifically to educate young students about the Constitution and the Bill of Rights. The We the People program, administered by the Center for Civic Education, is funded by the U.S. Department of Education by act of Congress.

I am proud to announce that the class from East Brunswick High School will represent the state of New Jersey in the program's finals. These students have worked conscientiously to reach the national finals by participating at local and statewide competitions. In the past fifteen years, these young scholars have won the state competition fourteen times, an accomplishment that should not go unnoticed. Through their experience, they have gained a deep knowledge and understanding of fundamental principles and values of our constitutional democracy. It is a great honor that students from the 12th District in New Jersey have shown such dedication and interest in our nation's government.

The three-day We the People national competition is modeled after hearings in the United States Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on constitutional topics. The students are given an opportunity to demonstrate their knowledge while they evaluate, take, and defend positions on relevant historical and contemporary issues. Their testimony is followed by a period of challenging questions by the judges who probe the students' depth of understanding and ability to apply their constitutional knowledge.

The We the People program provides curricular materials at upper elementary, middle and high school levels. The curriculum not only enhances students' appreciation of the institutions of American constitutional democracy, it also helps them identify the contemporary relevance of the Constitution and Bill of Rights. Critical thinking exercises, problem-solving activities, and cooperative learning techniques help develop participatory skills necessary to become active, responsible citizens.

The class from East Brunswick High School is currently preparing for their participation in the national competition in Washington, D.C. It is inspiring to see these young people advocate the fundamental ideals and principles of our government, ideas that identify us as a people and bind us together as a nation. It is important for future generations to understand

the values and principles fundamental to our endeavor to preserve and realize the promise of our constitutional democracy. I wish these young "constitutional experts" the best of luck at the We the People national finals and continued success in their endeavors.

HONORING THE NEIGHBOR-TO-NEIGHBOR FUND

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an organization dedicated to providing quality healthcare to the citizens of San Miguel County. The Uncompahgre Medical Center in Norwood, Colorado has developed the Neighbor-to-Neighbor fund, an innovative approach to funding the unexpected medical needs of the surrounding communities.

While the Medical Center's sliding fee and indigent care programs already assist the forty-percent of patients who are not insured, the fund, consisting entirely of individual contributions, covers one-time, small-scale medical and emergency needs otherwise out of reach for patients. Operating with no administrative costs, one hundred percent of contributions to the Neighbor-to-Neighbor Fund go to help San Miguel County residents in medical need. Only doctors and physician's assistants write checks on the fund, ensuring that the money serves as an instant tool for filling gaps in medical care. The fund, while usually holding less than \$1000, can cover numerous essentials, from a simple brace to fixing a serious dental problem.

Mr. Speaker, it is a great privilege to recognize the Uncompahgre Medical Center for its creativity in addressing difficult health care problems before this body of Congress and this nation. The Neighbor-to-Neighbor Fund is making a big difference in community health care with a small amount of money.

AMERICAN SOVEREIGNTY RESTORATION ACT OF 2003

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. PAUL. Mr. Speaker, I rise today to introduce the American Sovereignty Restoration Act. I submitted this bill, which would end United States membership in the United Nations, in the 107th Congress and the 106th Congress and since then conditions have made its relevance and importance more evident now than ever. The United Nations assault on the sovereignty of the United States proceeds apace; it shows no signs of slowing. Mr. Speaker, since I last introduced this measure, the United Nations has convened its International Criminal Court, which claims jurisdiction even over citizens of countries that have not elected to join the court. This means that Americans—both civilians and members of our armed services—are subject to a court that even its supporters admit does not offer all the protections guaranteed by the Constitution of the United States.

The United States continues to pay the lion's share of the U.N. budget, yet it is routinely kicked off committees like the Human Rights Committee by some of the most egregious of human rights abusing countries. This is absurd and we shouldn't have to pay for it.

As the United States faces another undeclared war for the United Nations—as is specified in the authorization for the use of force against Iraq (Public Law 107-243)—it is past time that we return to the principles of our founding fathers.

This legislation would represent a comprehensive and complete U.S. withdrawal from the United Nations. It repeals the United Nations Participation Act of 1945 and other related laws. It directs the President to terminate U.S. participation in the United Nations, including any organ, specialized agency, commission, or other affiliated body. It requires closure of the U.S. Mission to the U.N.

The legislation also prohibits the authorization of funds for the U.S. assessed or voluntary contribution to the U.N.; the authorization of funds for any U.S. contribution to any U.N. military operation; and the expenditure of funds to support the participation of U.S. armed forces as part of any U.N. military or peacekeeping operation. Finally, this legislation bars U.S. armed forces from serving under U.N. command.

The U.S. Congress, by passing H.R. 1146, and the U.S. president, by signing H.R. 1146, will heed the wise counsel of our first president, George Washington, when he advised his countrymen to "steer clear of permanent alliances with any portion of the foreign world," lest the nation's security and liberties be compromised by endless and overriding international commitments. I urge my colleagues to support this measure and I hope for its quick consideration.

In considering the recent United Nations meetings and the United States' relation to that organization and its affront to U.S. sovereignty, we would all do well to again read carefully Professor Herbert W. Titus' paper on the United Nations from which I have provided this excerpt:

It is commonly assumed that the Charter of the United Nations is a treaty. It is not. Instead, the Charter of the United Nations is a constitution. As such, it is illegitimate, having created a supranational government, deriving its powers not from the consent of the governed (the people of the United States of America and peoples of other member nations) but from the consent of the peoples' government officials who have no authority to bind either the American people nor any other nation's people to any terms of the Charter of the United Nations.

By definition, a treaty is a contract between or among independent and sovereign nations, obligatory on the signatories only when by competent governing authorities in accordance with the powers constitutionally conferred upon them. I Kent, Commentaries on American Law 163 (1826); Burdick, The Law of the American Constitution section 34 (1922) Even the United Nations Treaty Collection states that a treaty is (1) a binding instrument creating legal rights and duties (2) concluded by states or international organizations with treaty-making powers (3) governed by international law.

By contrast, a charter is a constitution creating a civil government for a unified nation or nations and establishing the authority of that government. Although the United Nations Treaty Collection defines a 'charter' as a 'constituent treaty,' leading inter-

national political authorities state that '[t]he use of the word 'Charter' [in reference to the founding document of the United Nations] . . . emphasizes the constitutional nature of this instrument.' Thus, the preamble to the Charter of the United Nations declares 'that the Peoples of the United Nations have resolved to combine their efforts to accomplish certain aims by certain means.' The Charter of the United Nations: A Commentary 46 (B. Simma, ed.) (Oxford Univ. Press, NY: 1995) (Hereinafter U.N. Charter Commentary). Consistent with this view, leading international legal authorities declare that the law of the Charter of the United Nations which governs the authority of the United Nations General Assembly and the United Nations Security Council is 'similar . . . to national constitutional law,' proclaiming that 'because of its status as a constitution for the world community,' the Charter of the United Nations must be construed broadly, making way for 'implied powers' to carry out the United Nations' 'comprehensive scope of duties, especially the maintenance of international peace and security and its orientation towards international public welfare.' Id. at 27.

The United Nations Treaty Collection confirms the appropriateness of this 'constitutional interpretive' approach to the Charter of the United Nations with its statement that the charter may be traced 'back to the Magna Carta (the Great Charter) of 1215,' a national constitutional document. As a constitutional document, the Magna Carta not only bound the original signatories, the English barons and the king, but all subsequent English rulers, including Parliament, conferring upon all Englishmen certain rights that five hundred years later were claimed and exercised by the English people who had colonized America.

A charter, then, is a covenant of the people and the civil rulers of a nation in perpetuity. Sources of Our Liberties 1-10 (R. Perry, ed.) (American Bar Foundation: 1978) As Article I of Magna Carta, puts it:

We have granted moreover to all free men of our kingdom for us and our heirs forever all liberties written below, to be had and holden by themselves and their heirs from us and our heirs.

In like manner, the Charter of the United Nations is considered to be a permanent 'constitution for the universal society,' and consequently, to be construed in accordance with its broad and unchanging ends but in such a way as to meet changing times and changing relations among the nations and peoples of the world. U.N. Charter Commentary at 28-44.

According to the American political and legal tradition and the universal principles of constitution making, a perpetual civil covenant or constitution, obligatory on the people and their rulers throughout the generations, must, first, be proposed in the name of the people and, thereafter, ratified by the people's representatives elected and assembled for the sole purpose of passing on the terms of a proposed covenant. See 4 The Founders' Constitution 647-58 (P. Kurland and R. Lerner, eds.) (Univ. Chicago. Press: 1985). Thus, the preamble of the Constitution of the United States of America begins with 'We the People of the United States' and Article VII provides for ratification by state conventions composed of representatives of the people elected solely for that purpose. Sources of Our Liberties 408, 416, 418-21 (R. Perry, ed.) (ABA Foundation, Chicago: 1978).

Taking advantage of the universal appeal of the American constitutional tradition, the preamble of the Charter of the United Nations opens with 'We the peoples of the United Nations.' But, unlike the Constitution of the United States of America, the

Charter of the United Nations does not call for ratification by conventions of the elected representatives of the people of the signatory nations. Rather, Article 110 of the Charter of the United Nations provides for ratification 'by the signatory states in accordance with their respective constitutional processes.' Such a ratification process would have been politically and legally appropriate if the charter were a mere treaty. But the Charter of the United Nations is not a treaty; it is a constitution.

First of all, Charter of the United Nations, executed as an agreement in the name of the people, legally and politically displaced previously binding agreements upon the signatory nations. Article 103 provides that '[i]n the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.' Because the 1787 Constitution of the United States of America would displace the previously adopted Articles of Confederation under which the United States was being governed, the drafters recognized that only if the elected representatives of the people at a constitutional convention ratified the proposed constitution, could it be lawfully adopted as a constitution. Otherwise, the Constitution of the United States of America would be, legally and politically, a treaty which could be altered by any state's legislature as it saw fit. The Founders' Constitution, *supra*, at 648-52.

Second, an agreement made in the name of the people creates a perpetual union, subject to dissolution only upon proof of breach of covenant by the governing authorities whereupon the people are entitled to reconstitute a new government on such terms and for such duration as the people see fit. By contrast, an agreement made in the name of nations creates only a contractual obligation, subject to change when any signatory nation decides that the obligation is no longer advantageous or suitable. Thus, a treaty may be altered by valid statute enacted by a signatory nation, but a constitution may be altered only by a special amendment process provided for in that document. *Id.* at 652.

Article V of the Constitution of the United States of America spells out that amendment process, providing two methods for adopting constitutional changes, neither of which requires unanimous consent of the states of the Union. Had the Constitution of the United States of America been a treaty, such unanimous consent would have been required. Similarly, the Charter of the United Nations may be amended without the unanimous consent of its member states. According to Article 108 of the Charter of the United Nations, amendments may be proposed by a vote of two-thirds of the United Nations General Assembly and may become effective upon ratification by a vote of two-thirds of the members of the United Nations, including all the permanent members of the United Nations Security Council. According to Article 109 of the Charter of the United Nations, a special conference of members of the United Nations may be called 'for the purpose of reviewing the present Charter' and any changes proposed by the conference may 'take effect when ratified by two-thirds of the Members of the United Nations including all the permanent members of the Security Council.' Once an amendment to the Charter of the United Nations is adopted then that amendment 'shall come into force for all Members of the United Nations,' even those nations who did not ratify the amendment, just as an amendment to the Constitution of the United States of America is effective in all of the states, even though the leg-

islature of a state or a convention of a state refused to ratify. Such an amendment process is totally foreign to a treaty. See *Id.*, at 575-84.

Third, the authority to enter into an agreement made in the name of the people cannot be politically or legally limited by any preexisting constitution, treaty, alliance, or instructions. An agreement made in the name of a nation, however, may not contradict the authority granted to the governing powers and, thus, is so limited. For example, the people ratified the Constitution of the United States of America notwithstanding the fact that the constitutional proposal had been made in disregard to specific instructions to amend the Articles of Confederation, not to displace them. See *Sources of Our Liberties* 399-403 (R. Perry ed.) (American Bar Foundation: 1972). As George Mason observed at the Constitutional Convention in 1787, 'Legislatures have no power to ratify' a plan changing the form of government, only 'the people' have such power. 4 *The Founders' Constitution*, *supra*, at 651.

As a direct consequence of this original power of the people to constitute a new government, the Congress under the new constitution was authorized to admit new states to join the original 13 states without submitting the admission of each state to the 13 original states. In like manner, the Charter of the United Nations, forged in the name of the 'peoples' of those nations, established a new international government with independent powers to admit to membership whichever nations the United Nations governing authorities chose without submitting such admissions to each individual member nation for ratification. See Charter of the United Nations, Article 4, Section 2. No treaty could legitimately confer upon the United Nations General Assembly such powers and remain within the legal and political definition of a treaty.

By invoking the name of the 'peoples of the United Nations,' then, the Charter of the United Nations envisioned a new constitution creating a new civil order capable of not only imposing obligations upon the subscribing nations, but also imposing obligations directly upon the peoples of those nations. In his special contribution to the United Nations Human Development Report 2000, United Nations Secretary-General Annan made this claim crystal clear:

Even though we are an organization of Member States, the rights and ideals the United Nations exists to protect are those of the peoples. No government has the right to hide behind national sovereignty in order to violate the human rights or fundamental freedoms of its peoples. Human Development Report 2000 31 (July 2000) [Emphasis added.]

While no previous United Nations' secretary general has been so bold, Annan's proclamation of universal jurisdiction over 'human rights and fundamental freedoms' simply reflects the preamble of the Charter of the United Nations which contemplated a future in which the United Nations operates in perpetuity 'to save succeeding generations from the scourge of war . . . to reaffirm faith in fundamental human rights . . . to establish conditions under which justice . . . can be maintained, and to promote social progress and between standards of life in larger freedom.' Such lofty goals and objectives are comparable to those found in the preamble to the Constitution of the United States of America: 'to . . . establish Justice, insure domestic tranquility, provide for the common defense, promote the general welfare and secure the Blessings of liberty to ourselves and our posterity . . .'

There is, however, one difference that must not be overlooked. The Constitution of the

United States of America is a legitimate constitution, having been submitted directly to the people for ratification by their representatives elected and assembled solely for the purpose of passing on the terms of that document. The Charter of the United Nations, on the other hand, is an illegitimate constitution, having only been submitted to the United States Senate for ratification as a treaty. Thus, the Charter of the United Nations, not being a treaty, cannot be made the supreme law of our land by compliance with Article II, Section 2 of Constitution of the United States of America. Therefore, the Charter of the United Nations is neither politically nor legally binding upon the United States of America or upon its people.

INTRODUCTION OF H.R. 906

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. QUINN. Mr. Speaker, on behalf of the gentleman from West Virginia, Mr. RAHALL, I would like to describe legislation we recently introduced, H.R. 906, the "Surface Transportation Safety Act of 2003."

Each year more than 42,000 people are killed and over three million people are injured on our nation's highways. Not only is the loss of human life tragic, but the \$230 billion annual cost to our economy is staggering. Our bill expedites the use of proven solutions to reduce the likelihood of crashes, injuries, and fatalities on our roads and bridges.

H.R. 906 accomplishes these goals without requiring additional federal funding. It is designed to utilize funds already set aside for the Section 130 Rail-Highway Grade Crossing Program and the Section 152 Hazard Elimination Program. Since their inception, these programs have allocated money to the States to reduce accidents. This legislation is designed to reallocate precious tax dollars within the current programs to make them more effective. The bill clarifies and expands project eligibility and provides funding for improved State data collection, analysis and reporting.

In 1996, the U.S. Secretary of Transportation issued a report to Congress stating that the Section 130 Rail-Highway Grade Crossing Program prevented over 8,500 fatalities and close to 39,000 injuries since 1974. This report also stated that as a result of the Section 130 program, fatal accident rates have been reduced by 87 percent. Our legislation makes two major changes to existing law that will enhance the effectiveness of this program. It changes the funding for protective devices at rail-highway grade crossings to a fixed \$150 million per year and it provides for the maintenance of protective devices at grade crossings.

H.R. 906 also makes several improvements to the Section 152 Hazard Elimination Program. First, it clarifies that these programmatic funds are to be used to produce real safety benefits by requiring that projects reduce the likelihood of crashes resulting from road departures, intersections, pedestrians, bicycles, older drivers, and construction work zones. In addition, our legislation makes fluorescent yellow-green signs in school zones, pedestrian walkways and bicycle paths eligible for funding as a safety improvement. Also added to the eligible funding list are police assistance for

traffic and speed management in construction work zones and the installation of barriers between construction work zones and traffic lanes for the safety of motorists and workers.

Mr. Speaker, roadway construction, maintenance and repair are readily apparent on our highways and in our neighborhoods. Construction work zone crashes killed 1,079 people in 2001. This is a 20 percent increase since 1995, not to mention the thousands of injuries that occur each year. These deaths and injuries will continue to escalate if we do not address this problem now. In this regard, H.R. 906 directs the Secretary of Transportation to issue a rule requiring workers whose duties place them on or in close proximity to a Federal-aid highway to wear high visibility garments.

To judge the effectiveness of these two safety programs, our bill requires a new biennial report to Congress without creating an unfunded mandate. States can use these funds to fulfill all data compilation, analysis, and reporting requirements. Finally, this bill maintains the flexibility States currently have to transfer funds from the two safety set-aside programs to the Interstate Maintenance, Congestion Mitigation and Air Quality, National Highway System, Bridge Replacement and Rehabilitation and Recreational Trails programs.

I urge my colleagues to cosponsor and support this important safety legislation.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. GALLEGLY. Mr. Speaker, on February 27, 2003, I was unable to vote on the Greenwood Substitute to H.R. 534, the Human Cloning Act of 2003 (rollcall 37). Had I been present I would have voted "no." Similarly, I was not present to vote on the motion to recommit H.R. 534 (rollcall 38) but I would have voted "no." On final passage of H.R. 534, I was not present, but would have voted "yea" (rollcall vote 39).

HONORING SONJA MARIA MONTANO

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to recognize the achievements of Sonja Maria Montano, a resident of La Junta, Colorado, before this body of Congress and this nation.

Over the past year, Sonja has received wide acclaim and numerous awards from Poetry.com, which first published her work, as well as the International Society of Poetry and Symposiums. Sonja was one of only thirty poets in the world invited to present her work to the ISPS spring convention in 2002. Now, Sonja's work has earned one of thirty-five nominations for the society's grand prize, presented by Pulitzer Prize winning poet W.D. Snodgrass.

Sonja, a promising writer as a teenager, gave up opportunities in creative writing to stay close to home and eventually raise a family. She found her voice again at the age of thirty-one when she began writing poetry on a bet with her nine-year-old son. After years of apprehension and reservations about her writing, Sonja has decided to become a poet.

Mr. Speaker, it is a great privilege to recognize Sonja Maria Montano before this body of Congress and this nation for her courage and creativity in pursuing her dreams. I wish her every success in her new career.

DARIEN'S 2003 CITIZEN OF THE YEAR

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mrs. BIGGERT. Mr. Speaker, I rise today in honor of Father Gavin Quinn, the 2003 Citizen of the Year for Darien, Illinois.

The City of Darien lies within Illinois' 13th Congressional District. Because of residents like Father Quinn, Darien easily lives up to its motto—"a nice place to live."

If you happen to find yourself in Darien, there is a good chance that you will hear Father Quinn's name mentioned, not only by members of his church community, but also among the many other residents of Darien. He seeks out anyone who can use a helping hand or a friend. He is especially valued for his work with teenagers, single parents and the sick and dying. Regularly visiting hospitals, he works to lift the human spirit or offer a willing ear.

Father Gavin is best described by one of his fellow citizens, who said: "He is an extraordinary man who knows how to identify people in need and find a way of ministering to them. Father Gavin is a very compassionate man who reaches out to people of all faiths and in all walks of life. In short, I can think of no one who has made Darien a better place to live than Father Gavin Quinn."

I could not agree more. Father Quinn is the kind of person who transforms a city into a community. Congratulations to Father Gavin Quinn, Darien's 2003 Citizen of the Year.

RECOGNIZING NATIONAL PEACE CORPS DAY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. UDALL of Colorado. Mr. Speaker, last Friday, February 28th, we celebrated National Peace Corps Day, honoring the 168,000 Americans who have served as volunteers since the creation of the Peace Corps in 1961. These amazing men and women have served our nation in 136 countries. Peace Corps volunteers have made enormous contributions in the areas of agriculture, business development, education, health, and the environment, and in so doing have improved the lives of individuals and communities around the world. The Peace Corps has become an enduring symbol of our nation's commitment to encour-

age progress and create opportunity in the developing world.

My own background as an educator and director at Outward Bound for twenty years taught me about the importance of national and community service. But I also have strong connections to the Peace Corps through my great state of Colorado and through my family. Colorado has one of the highest levels of recruitment of Peace Corps volunteers nationwide, and returned Peace Corps Volunteers in the 2nd Congressional District alone number over 500. Of course, the most important Peace Corps connection for me is my mother, who served as a volunteer in Nepal decades ago.

Because of these connections I have a special interest in advancing the ability of the Peace Corps to play an important role in these new times. I believe we must work to continue to promote world peace and friendship through the people-to-people approach of the Peace Corps. That's why I worked with my colleague Rep. SAM FARR in the last Congress to introduce legislation known as the Peace Corps Charter for the 21st Century Act. We have reintroduced the bill again in this Congress as H.R. 250.

The "Peace Corps Charter" strengthens the Peace Corps in a number of ways. It restates and further promotes its goals—to provide technical assistance to those in need around the world, to promote better understanding of Americans on the part of the peoples served, and to bring the world home to America. It authorizes funding to allow for a Peace Corps expansion to 15,000 volunteers in five years. It reaffirms the independence of the Peace Corps. It authorizes a number of reports, such as one on host country security. It spells out a commitment to recruit and place Peace Corps volunteers in countries where they could help promote mutual understanding, particularly in areas with substantial Muslim populations. It establishes training programs for Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases, such as HIV/AIDS. It streamlines and empowers the Peace Corps Advisory Council, with an added focus of making use of the expertise of Returned Peace Corps Volunteers. Finally, the bill creates a grant program to enable Returned Peace Corps Volunteers to use their experience and expertise to continue to carry out the goals of the Peace Corps through specific projects.

The Peace Corps is one of the most admired and successful initiatives ever put in place. I'm proud that the following young people from the 2nd Congressional District are presently serving in countries all over the world: Vanessa Adams, Ben Armitage, Shaun Cosgrove, Amy Ellerman, Thomas Fleming, Megan Haldy, Rebecca Knerl, Lydia Labelle, Lynell Lacey, Benjamin Liu, Erica Manteuffel, Kelly Oberg, Stephanie Ogden, Kelly O'Rourke, Johanna Patrick, Matthew Rice, Kathleen Shannon, Mary Simonson, and Robert Sweetman.

A pebble tossed into a still pond creates ripples that begin small and grow larger. Peace Corps volunteers have had this same effect on the people they have touched. The Peace Corps experience exemplifies how individuals can make a tremendous difference in the lives and perceptions of people in developing countries as well as people right here at home.

National Peace Corps Day honors the volunteers, past and present, and reaffirms our

country's commitment to helping people help themselves throughout the world. Today I honor all of the men and women who have selflessly and generously served our country in the Peace Corps.

TO CLARIFY THE TREATMENT FOR
FOREIGN TAX CREDIT LIMITA-
TION PURPOSES OF CERTAIN
TRANSFER OF INTANGIBLE
PROPERTY

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. SHAW. Mr. Speaker, along with my colleague, MARK FOLEY, I am introducing a bill that would eliminate a trap for the unwary that was inadvertently created with the Taxpayer Act of 1997. The bill would clarify the treatment for foreign tax credit limitation purposes of the income inclusions that arise upon a transfer of intangible property to a foreign corporation.

Section 367(d) of the Internal Revenue Code provides for income inclusions in the form of deemed royalties upon the transfer of intangible property by a U.S. person to a foreign corporation. Prior to the 1997 Act, these income inclusions under section 367(d) were deemed to be U.S.-source income and thus were not eligible for foreign tax credits. The international joint venture reforms included in the 1997 Act eliminated this special source rule and provided that deemed royalties under section 367(d) are treated as foreign source income for foreign tax credit purposes to the same extent as an actual royalty payment.

The amendments made by the 1997 Act were intended to eliminate the penalty that was provided by the prior-law deemed U.S. source rule and that had operated to discourage taxpayers from transferring intangible property in a transaction that would be covered by section 367(d). Prior to the 1997 Act, in order to avoid this penalty, taxpayers licensed intangible property to foreign corporations instead of transferring such property in a transaction that would be subject to section 367(d). The 1997 Act's elimination of the penalty source rule of section 367(d) was intended to allow taxpayers to transfer intangible property to a foreign corporation in a transaction that gives rise to deemed royalty payments under section 367(d) instead of having to structure the transaction with the foreign corporation as a license in exchange for actual royalty payments.

However, the intended goal of the 1997 Act provision is achieved only if the deemed royalty payments under section 367(d) not only are sourced for foreign tax credit purposes in the same manner as actual royalty payments, but also are characterized for foreign tax credit limitation purposes in the same manner as actual royalty payments. Without a clarification that deemed royalty payments are characterized for foreign tax credit limitation purposes in the same manner as an actual royalty payment, there is a risk in many cases that such deemed royalties would be characterized in a manner that leads to a foreign tax credit result that is equally as disadvantageous as the result that arose under the penalty source rule that was intended to be eliminated by the 1997 Act.

The bill I am introducing today provides the needed clarification that deemed royalties under section 367(d) are treated for foreign tax credit limitation purposes in the same manner as an actual royalty, ensuring that the penalty that was intended to be eliminated with the 1997 Act is in fact eliminated. Without this clarification, a taxpayer that transfers intangible property in reliance on the 1997 Act will find that its transfer is in fact effectively subject to the penalty that the taxpayer believed had been eliminated. Without the clarification, those taxpayers that have structured their transactions in reliance on the 1997 Act provision will be worse off than they would have been if the purported repeal of the penalty source rule had never occurred and they had continued to structure their transactions to avoid that penalty. This bill will achieve the intended goals of the 1997 Act and prevent a terrible trap for the unwary that has been inadvertently created.

HONORING MARY HAINING

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize a family truly dedicated to developing leadership skills in the young people of their community. Mary Haining, and her family, of Delta, Colorado have shown exemplary dedication to the 4-H program through three generations of their family.

The 4-H program promotes leadership, citizenship, and community involvement in America's youth, qualities that the Haining clan personifies. Mary Haining began working with 4-H as a girl in Grand Junction, exploring her interests in entomology and rabbits. As a mother, she has served as a 4-H volunteer leader for thirty-eight years. Each of the Haining children was involved in 4-H for at least ten years. Mary Haining's daughter Joyce and son Ron are still active parent leaders of 4-H in Delta. Three of Mrs. Haining's grandchildren are studying sheep, beef, entomology, poultry, gardening, and archery through 4-H programs.

Mr. Speaker, it is a great privilege to recognize the Haining family for their long-time dedication to the 4-H cause. The Hainings, and the 4-H program which they have served devotedly, represent American ideals and the family values that make our communities strong.

TO REVOKE THE FEDERAL
CHARTER GRANTED TO TREA

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. KLECZKA. Mr. Speaker, today I am reintroducing a bill to revoke the federal charter that was to the Retired Enlisted Association (TREA) in 1992. TREA is an organization that has repeatedly targeted seniors with "notch" mailings that are deceptive, false, and designed to extort money from elderly persons, many of whom live on limited incomes.

The term "notch" refers to the difference in Social Security benefits paid to individuals born before 1917 versus those born between 1917 and 1921. This discrepancy arose because of a law enacted in 1972 providing automatic cost-of-living adjustments for Social Security recipients. However, the formula used to compute these annual increases was significantly flawed, causing benefits to rise faster than the rate of inflation.

In 1977, Congress corrected this defective formula (thereby reducing benefit levels) in order to prevent Social Security payments from skyrocketing. Had such revision not been made, many future beneficiaries would have received Social Security checks that were larger than their pre-retirement earnings. Moreover, the entire system would have become insolvent within 3 or 4 years.

The National Academy of Social Insurance, the General Accounting Office, the Social Security Administration, and the Congressionally-appointed Social Security Notch Commission have since concluded that the 1977 benefit changes were urgently needed and that Social Security beneficiaries born during the notch period are receiving correct benefit amounts. They also found that increasing benefits for "notch babies" would not only be unjustified, but would unnecessarily jeopardize the financial stability of the Social Security system.

Yet, despite these conclusive findings, TREA currently operates a multi-million dollar fundraising scheme based on the notch issue. This group tells seniors it is working hard to correct a notch "problem" that doesn't exist in an attempt to scam seniors out of their hard-earned money. Under the guise of advocating for legislative reform, TREA collected over \$46 million from seniors over four years (1997 to 2000), and its moneymaking campaign continues.

In addition, the tactics used by TREA to solicit money from elderly individuals are deplorable. Included among TREA's numerous deceptive mailings are official-looking notch identification cards and registration forms that give the mistaken impression that this group has the authority to handle the distribution of Social Security benefits. TREA also sends solicitations containing replicas of Social Security checks, thereby reinforcing this image. Perhaps the most disturbing, the group's fundraising efforts have even included mailings that ask seniors to redraft their wills to make TREA a beneficiary.

In order to stop the exploitation of America's seniors, I am reintroducing a bill that would revoke the federal charter granted to TREA in 1992. While Congress rarely revisits a former charter decision, this group's persistent pattern of fleecing seniors clearly warrants such a step.

Federal charters are prestigious distinctions awarded to organizations with a patriotic, charitable, or educational purpose. Although intended as an honorific title, a federal charter implies government support for such organizations. Misleading America's seniors clearly violates the high standards held for chartered groups. Moreover, allowing TREA to maintain its charter would send a signal to the American public that Congress condones such behavior.

Six bipartisan members of the House Ways and Means Social Security Subcommittee have joined me today in support of this legislation-including Chairman SHAW and Ranking

Member MATSUI. I urge my colleagues to co-sponsor this measure.

**PURSUE A MULTI NATIONAL
STRATEGY TO DISARM IRAQ**

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. BOUCHER. Mr. Speaker, I rise today to urge in the strongest terms that the administration pursue a multi national strategy as it takes the necessary steps to disarm Iraq.

I share the administration's view that Saddam Hussein's weapons of mass destruction must be removed. In his present armed condition, he poses a significant threat to our Nation and to all peace loving nations around the world. I have no doubt that he possesses highly dangerous weapons, and based upon his past conduct, I also harbor no doubt that he would use those weapons against us or against our allied nations whenever he believes that doing so serves his interests.

It is clear that Saddam Hussein must be disarmed.

However, it is essential that the disarmament take place in the proper manner. The best opportunity for obtaining the disarmament of Iraq without the necessity of armed conflict lies in the assemblage of a large group of nations who collectively will insist that the disarmament occur. If, under the auspices of the United Nations, most nations of the world are facing Saddam Hussein united in the determination to remove his arms peacefully if possible but by force if necessary, the best chance is achieved for a peaceful disarmament to occur.

Then, if conflict is necessary, a broad assemblage of nations will share responsibility for taking the necessary steps. Moreover, that same large assembly of nations with United Nations participation, can then share both the cost and the responsibility for the administration and reconstruction of post-war Iraq.

Ten years ago, under a United Nations resolution, Iraq was expelled from Kuwait. The diplomatic offices of this nation were put to good use in persuading our allies to participate with us in the exercise.

That same course must be followed again, and I urge the administration in the strongest possible terms to take the time which is necessary to assure that broad international support underlies our efforts to ensure our security and the security of other nations through the disarmament of Iraq.

TRIBUTE TO JACLYN SOBOCIENSKI

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. OBEY. Mr. Speaker, I would like to take this opportunity to recognize the outstanding efforts made by Ms. Jaclyn Sobocienski who is leaving the House Appropriations Committee this week.

Jaclyn is a native of New York. She is a Magna Cum Laude graduate of Siena College, possessing a Bachelor of Arts degree in polit-

ical science and a Bachelor of Science degree in finance. That alone made her a natural for the Appropriations Committee. She served as an intern in the New York State Assembly, and also worked for the New York Mets during summers between school years. On those few occasions where we gave her some time off, Jaclyn was active in dance, Italian language study, and travel.

She has been an administrative aide to the minority staff of the House Appropriations Committee since October 5, 2001. Just after she joined the Committee, the anthrax incident in the Longworth House Office Building occurred. Jaclyn not only was instrumental in getting our temporary alternate office up and running for the period that our Longworth office was closed, but also she reacted to the stress in a very professional and helpful manner that allowed the Members and the staff to get on with conducting the nation's business.

Jaclyn put in many long evenings in behalf of the Members of the Appropriations Committee, with direct support to the Democratic professional staff of the Committee. She tirelessly served as the liaison between the Committee and all Democratic House offices, the press, and the public. She succeeded in every task she was given.

I want to take this opportunity to publicly thank her for her outstanding efforts to me and to the Committee, and to wish her well in her new career. We will miss her, and wish her nothing but success and happiness.

**INTRODUCTION OF THE FAMILY
TIME FLEXIBILITY ACT**

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mrs. BIGGERT. Mr. Speaker, I rise today to introduce The Family Time Flexibility Act, which allows employers to offer American workers the option of voluntarily taking compensatory time off in lieu of receiving overtime pay. I am pleased that 67 of my colleagues have joined me as original cosponsors of this pro-family, pro-worker, pro-women legislation.

One would think that providing working men and women with more control over their work schedules is a "no brainer", but private sector employees and employers alike are bound by the Fair Labor Standards Act of FLSA, which does not permit such flexibility. I think it's fair to say that this law, enacted during the depression, was designed for a very different workforce with very different needs.

Over the past 60-plus years, the American workplace has undergone a dramatic change in composition, character, and demands. What once was a static, agriculture- and manufacturing-based economy with a primarily male workforce has evolved into a fast-paced working environment based on global services and high technology with nearly equal numbers of women and men in the workforce.

Workers today, more than ever before, face a difficult dilemma: how to balance the demands of a job while having adequate time for family, friends and outside commitments. This situation has become even more pronounced because many American families now rely on two incomes to survive. And while this conflict weighs most heavily on women, all workers—

regardless of gender—experience conflict between work and family, between watching their child's baseball game or going through that stack of papers on their desk.

The Family Time Flexibility Act will help to ease these pressures by providing the flexibility that working parents need to spend quality time with their families. This legislation amends the FLSA to allow private sector employees to access something that their colleagues working in federal, state and local governments have had for many years—the option of choosing either cash wages or paid time off as compensation for working overtime hours.

Before I go any further, I want to stress that nothing in this legislation would require employees to take comp time instead of overtime pay. Nor could employers force employees to take comp time. Rather they now can be given the choice of compensatory time or overtime. This bill does not relieve employers of any obligation to pay overtime.

As a matter of fact, my bill contains explicit penalties if an employer "directly or indirectly intimidates, threatens or coerces" an employee into taking comp time in lieu of overtime, and the penalties are more severe than under current law. Employers who engage in such behavior will be liable for double damages plus attorney's fees and costs. In addition, the other remedies included under the FLSA—including civil and criminal penalties and injunctive relief—still will apply. The employee may respond through a private right of action, or the Labor Department may sue on behalf of the employee. I also want to stress that this bill in no way affects or changes the standard 40-hour workweek.

Here's how the bill works. If the employer and the employee agree—or in union shops, the union and the employer agree through their collective bargaining agreement—to allow the employee to start accruing overtime hours as compensatory or family time, the employee may bank overtime hours and use them at a later time as paid time off.

As is currently the case with overtime pay, comp time hours would accrue at a rate of one and one-half hours of comp time for each hour of overtime worked. Employees could accrue up to 160 hours of comp time within a 12-month period.

This legislation contains numerous safeguards to protect employees. Let me reiterate that employers are explicitly prohibited, under threat of civil and criminal penalties, from attempting to directly or indirectly intimidate, threaten, or coerce any employee to take comp-time instead of cash pay as pay for overtime.

In addition, employers must obtain prior written approval from each employee who chooses comp-time in lieu of cash pay for overtime. And employees can withdraw their request to receive comp-time and go back to receiving cash pay at any time.

The legislation requires an employer to annually pay cash wages for any unused comp time accrued by the employee. Employees may withdraw from a comp time agreement at any time and request a cash-out of any or all of his or her accrued, unused comp time. The employer has 30 days in which to comply with the request. The legislation also requires an employer to provide the employee with at least 30 days notice prior to cashing out any accrued time in excess of 80 hours or prior to discontinuing a policy of offering comp time.

Employees are able to use their accrued comp time at any time, so long as its use does not unduly disrupt the operations of the business—this is the same standard used in the public sector and under the Family and Medical Leave Act. Employers also would be prohibited from requiring employees to take accrued time solely at the convenience of the employer.

Again, I want to reiterate that this legislation has no effect on the traditional 40-hour workweek or the way in which overtime is calculated.

Mr. Speaker, comp time makes for good policy and it also has another benefit—it makes employees happy. There always will be working men and women who want and need the extra pay that comes from working overtime hours. But for many workers, having the additional time off is a far more attractive option, and that's an option they should have.

Comp time also is good for business because smart companies know how flexibility can help efforts to recruit and retain top-notch employees. Concerns over the well-being of the family often force parents to leave jobs that do not fit their family needs or forego jobs that would put stress on home lives.

In sum, Mr. Speaker, The Family Time Flexibility Act is good for workers, it is good for women, and it is especially good for families. The bill updates an outdated law designed for the 1930s workplace and makes it relevant for today's workforce.

Today's working men and women want increased flexibility and choices regarding scheduling and compensation, yet federal law prevents them from having such options. I trust my colleagues agree that employees and employers should not be prevented from making mutually agreeable arrangements that meet both personal and business needs.

I think the time and circumstances are right for us to pass this much-needed legislation. I urge my colleagues to join this effort to pass a strong "family time" bill that will be good for workers, businesses, the economy, and America's families.

In closing, let me take a moment to recognize Congressman CASS BALLENGER for his dedicated and untiring work on the comp time issue and to the Chairman of the House Subcommittee on Workforce Protections, Representative CHARLIE NORWOOD, for his strong commitment to this issue. Finally, let me thank the Chairman of the full Committee on Education and the Workforce, JOHN BOEHNER, for his support of America's working men and women.

I urge my colleagues to join us in cosponsoring the Family Time Flexibility Act.

COMMENDING MEMBERS OF
UNITED STATES ARMED FORCES
AND THEIR FAMILIES FOR SELF-
LESS SERVICE DURING GLOBAL-
WAR ON TERRORISM

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of H. J. Res 27. It is a privilege to take a few minutes to pay tribute

to the men and women responsible for our national defense.

More than 1.4 million men and women make up America's active and reserve forces. I join my colleagues on both sides of the aisle in acknowledging the soldiers and sailors, airmen and marines in both the active and reserve components, who distinguish themselves daily in selfless service to this nation and bring great pride to us all.

Last month, I had an opportunity to recognize the accomplishments of nineteen members of our armed forces. In observance of African American history month, I chose to acknowledge African Americans who have served with distinction in the U.S. Armed Forces. Each day of the month, I distributed brief biographies to my colleagues, which honored the accomplishments of generals and privates, paratroopers, cooks, and nurses, who have contributed to our rich history. Many fought for freedoms they did not fully enjoy themselves.

It was interesting to learn that despite a diversity of ethnicity and culture, today's military men and women are not very different from the doughboys that fought in World War I, or the GIs who stormed the beaches in Normandy, or the troops who fought in Korea and Vietnam. From generation to generation, they continue to embody the qualities we respect in all walks of life and in all fields of endeavor; a commitment to excellence, a vision of a better future, and a dedication to selfless service.

It is both fitting and timely that we commend the members of the United States Armed Services today. However, I'd like to add two things to this tribute. First, I'd like to acknowledge our nation's military veterans. Their sacrifices have helped make America the world's best hope for freedom and lasting peace. And second, I'd like to acknowledge the families of those who serve our nation. It is a sacrifice to send your son or daughter, your husband or wife, into harms way. Your contribution to our nation's freedom is deeply appreciated.

TARIFF RELIEF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. KUCINICH. Mr. Speaker, on the one-year anniversary of the President's decision to impose temporary tariff relief on behalf of the domestic steel industry under Section 201 of the Trade Act, I speak in strong support of the tariffs and their continuation for the full three-year period ordered by the President.

Between 1997 and 2002, America's steel industry was under attack by foreign companies illegally dumping steel into the American economy, sending 35 steel companies into bankruptcy and costing 54,000 industry employees their jobs.

After a seven-month analysis, the International Trade Commission made a unanimous determination that the steel industry had suffered serious injury as a result of the surge of imports and voted to recommend a remedy.

One year later, this remedy is working and must be continued. Since the Section 201 relief was implemented, the industry is beginning to see signs of a recovery: domestic producers have experienced incremental improve-

ments in revenues, operating income, and capacity utilization.

The tariffs have also caused a modest price recovery in the industry. Prices for hot rolled steel rose from historic lows of only \$210 per ton in December 2001 to around \$300 per ton today. But even so, prices for all major flat rolled products are still below 20-year historical averages.

Additionally, the industry has made significant progress toward restructuring and consolidation. The International Steel Group (ISG), which came into existence following its purchase of LTV, has agreed to acquire the assets of Bethlehem Steel. US Steel announced plans to purchase National Steel. Section 201 relief, if allowed to run its course, will result in a more competitive domestic industry.

The tariffs were a good start, and they must be allowed to continue. The United States has finally made clear that it is no longer willing to serve as the World's Steel Dumping Ground. The United States has also made clear that the national security of our country requires a strong and viable domestic steel supplier base. Only the continuation of the 201 tariffs will mitigate the harm of unfairly traded imports and assist the industry in a critical recovery. Keep the steel tariffs working!

HONORING THE 50TH ANNIVERSARY OF THE MYRTLE GROVE
VOLUNTEER FIRE DEPARTMENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the 50th Anniversary of the Myrtle Grove Volunteer Fire Department. The Myrtle Grove Volunteer Fire Department, consisting of about two dozen men and women, made it first fire run on March 6, 1953.

The station was originally a single-bay building at the corner of 69th Avenue and Lillian Highway. The present building, at Lillian and 72nd Avenue, was completed in 1978. The community and volunteer firefighters raised the money together by knocking on doors.

Over 1,200 calls were taken last year by firefighters, both paid and volunteer, who work from the station to guard the Myrtle Grove area. This responsiveness has given the volunteer firefighters the credibility of professionals.

The Myrtle Grove company is a family-oriented group. Assistant Fire Chief Robert Jordan is the successor and grandson of the original fire chief John "Pap" Rolfs Sr. Carl Jordan, father of Robert, served as Assistant Chief for thirty years. Everyone, who serves in the station, is known to have close relationships with one another.

On behalf of the United States Congress and the people of Myrtle Grove, I would like to recognize this group of people for the standard of excellence and bravery that they have shown in their community. I offer my sincere thanks for all that they have done for Northwest Florida and this great Nation.

TRIBUTE TO JOHN PERNA AND
SAGINAW HABITAT FOR HUMAN-
ITY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to the outgoing director of Saginaw Habitat for Humanity, John Perna. Mr. Perna is leaving his position as director of the organization after six years in that post. He will be honored at a dinner on March 8th in Saginaw, Michigan.

John Perna's background as a student of theology at the University of Notre Dame and his work in church music ministry helped him to expand the Saginaw Habitat for Humanity. He started working for Saginaw Habitat for Humanity in 1996. At that time he was the only paid staff person. Four houses were built that year by the organization. Today, the staff includes seven full time employees, one part time employee and three Americorps members. The group anticipates completing sixteen houses in the Saginaw community this year including the Blitz 2003 when eight houses will be built in two weeks.

Saginaw Habitat for Humanity holds the principles of being an ecumenical, Christian housing ministry foremost in all its endeavors. Committed to eliminating substandard shelter and homelessness from the area, Saginaw Habitat for Humanity has partnered with several area churches and organizations to make affordable, respectable housing available to all. Reflecting on the teachings of Jesus Christ, the members, volunteers and staff of Saginaw Habitat for Humanity have put their faith into action. A cornerstone of this action is the "economics of Jesus," or volunteers responding to those in need. Together the homeowners, the construction volunteers, partner organizations like the Home Builders Association, the Michigan Prison Build Program, the Michigan National Guard and area High School building trades students contributed the sweat equity that made the dream of a new home a reality for several families.

Mr. Speaker, I ask the House of Representatives to join me in congratulating John Perna and Saginaw Habitat for Humanity for the work they have accomplished thus far. I wish Mr. Perna the best as he starts a new phase of his life, and I wish the best for the incoming director, Paul Warriner, along with the entire Saginaw Habitat for Humanity organization. May they continue in their work until every person has a decent place to live.

DOMESTIC VIOLENCE WEEK

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. OSE. Mr. Speaker, I rise today to offer my strong support for this week's campaign, "Uniting Our Voices: Speaking Together to Speak Out," against domestic violence sponsored by Lifetime Television and the National Coalition Against Domestic Violence in coordination with the Congressional Caucus on Women's Issues.

I would like to commend these organizations for their hard work and continued efforts to raise awareness of domestic violence issues.

Domestic violence is a serious problem in this country. Nearly one third of American women (31 percent) report being physically or sexually abused by a husband or boyfriend at some point in their lives.

In my home state of California, it is reported that almost 6 percent of California's women suffer physical injuries as a result of domestic violence every year. In 2001, there were more than 52,000 domestic violence arrests, and law enforcement received 198,000 domestic violence calls.

Although domestic violence has traditionally been considered a problem primarily afflicting women, it does not just affect women and is not just a "women's issue." It affects men, women and children; it affects American families and our communities.

Each year, an estimated 3.3 million children are exposed to violence in their homes, and statistics provided by the Department of Justice show that a child's exposure to domestic violence is one of the strongest factors in transmitting violent behavior from one generation to the next, increasing the likelihood of that that child will commit a violent act, continuing the cycle of violence.

Domestic violence is a problem that Americans must confront head-on in order to stop the cycle of violence occurring within our communities and throughout our country.

I support the Violence Against Women Act, it is an important bill whose effects have been far-reaching in all aspects of helping victims of domestic violence, but there is still much more to be done. We must continue to provide funding to domestic violence programs and work to close the loopholes in existing legislation.

VAWA and this week's campaign against domestic violence are just the first of many steps that must be taken in order to end domestic violence. I encourage my colleagues to work with me to further address issues of domestic violence so that we may work towards developing solutions, both locally and nationally, to end the cycle of violence in our communities and to put a stop to the problem of domestic violence.

ON THE OCCASION OF THE 100TH
ANNIVERSARY OF THE ESTAB-
LISHMENT OF THE NATIONAL
WILDLIFE REFUGE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. MORAN of Virginia. Mr. Speaker, one hundred years ago this month President Teddy Roosevelt set forth a vision and created a program to preserve unique and endangered species and the critical habitat they needed to survive. Pelican Island National Wildlife Refuge was the first of what are now 540 refuges and thousands of small prairie wetlands managed by the Fish and Wildlife Service. From that first refuge, there are now more than 95 million acres of protected habitat across the United States.

Looking back over the past 100 years, much has changed. The United States has transformed from an agrarian to a predominately

urban, and now suburban society. Today, many of these refuges have become islands surrounded by human development and infrastructure. The wildlife they preserve, the species they protect have truly become refugees from an outside world, dominated by human interaction and presence.

Will they survive the next 100 years? I would like to think so. As we move forward, we are developing a stronger appreciation of what we have already lost and what more we must preserve. The Mason Neck National Wildlife Refuge, which was once in my congressional district, is relatively new. It was established in response to the near extinction of America's most prized symbol of freedom and independence, the American bald eagle. The return of the bald eagles and their subsequent recovery is a great success.

I am proud of my support for the National Wildlife Refuge system and particularly proud of the collaborative efforts I and my colleagues in Congress and at the local level made to protect more than 800 acres of environmentally sensitive land at Meadowood Farms that is adjacent to Mason Neck Refuge from development.

We are still at the early stages of learning how conservation and preservation must work over the long term to ensure a species survival. Conservation measures must be practiced not just on the refuges but outside the refuges as well. Biological corridors linking protected areas and critical habitat must be expanded; environmental hazards controlled; and a better understanding of how human interaction affects wildlife must be appreciated.

As time marches forward, I am optimistic that this same ethic that led to the creation of the first refuge multiplies with each new generation to ensure that the refuges of tomorrow and the year 2103 succeed at preserving what we hold dear today.

THE U.S. STEEL INDUSTRY

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. ENGLISH. Mr. Speaker, Yesterday marked the one year anniversary of President Bush's historic stand against unfair steel imports. The President's decision to implement safeguard relief for steel products exemplifies the perfect case in which this type of trade law remedy was created for. Implementing a safeguard action on steel products was necessary, appropriate and permissible under both domestic law and our obligations within the World Trade Organization context.

The American steel industry was seriously injured as a result of repeated surges of low-priced steel imports that suppressed domestic steel prices to unsustainable 20 year lows. The impact of these import surges includes 35 American steel companies entering bankruptcy and the elimination of over 50,000 American steelworker jobs.

And yet, the bold safeguard action taken by the Bush Administration alone can not rectify the underlying practices leading to the import surges which placed the American steel industry in such peril. Make no mistake, the domestic steel industry is still very much threatened by enormous global market distortions. Massive foreign steel overcapacity continues to

disrupt the global steel trading system—foreign excess raw steelmaking capacity has averaged more than twice the level of average domestic steel consumption. Foreign governments and steel manufacturers have shown little interest in implementing meaningful capacity reduction programs. And the inefficient excess foreign steel capacity will continue to impose serious pricing pressures in the U.S. market as foreign producers attempt to unload their excess capacity whenever an opportunity presents itself.

This is precisely why I applaud President Bush for having the vision to implement such a broad and ambitious agenda for correcting the distortions in the steel marketplace which have made this threat as cyclical as the seasons themselves. Further, I applaud the Administration for actively implementing its three-part steel program and engaging all steel producing nations at the negotiating table. Specifically, the President's three-part plan will: seek the near-term elimination of inefficient excess capacity in the steel industry worldwide; eliminate the underlying market-distorting subsidies that led to the current conditions in the first place; and implementing the safeguard action for three years to allow for domestic steel industry restructuring and recovery.

All parts of the President's plan must be implemented in order to place our domestic steel producers on a level playing field. The domestic steel industry is a national asset and is inseparable from our nation's economic, political and military development. But while no one disagrees that the American steel industry is an integral component of our nation's economic base and critical to our national security, only a few voices speak loudly to decry the remedy as unfair to steel consumers. Mr. Speaker, I emphatically disagree.

The tariffs implemented under section 201 resulted from a thorough investigation of the facts. The U.S. International Trade Commission (ITC) conducted the most exhaustive investigation of its type in history. Foreign steel producers employed over thirty-four law firms and participated in more than three weeks of public hearings, submitting over 85 feet of legal briefs and arguments. Foreign and domestic interest groups, including domestic steel consumers, who were opposed to any form of relief for the domestic steel industry were given every possible opportunity to participate—and they did.

After this exhaustive investigation, the ITC unanimously found that the American steel industry had been seriously injured as a result of high levels of low-priced steel imports. Following the unanimous decision of injury by the ITC, the President reviewed the Commission's findings, considered if a safeguard action would have a greater positive effect on the economy than it would negative, and then imposed a reasonable set of tariff and tariff-rate-quota measures.

Mr. Speaker, up to this point I have detailed two separate mechanisms which facilitate the specific input of domestic steel consumers. It is evident that the facts in this case provide the merit for the President's safeguard action, that all interested parties had ample opportunity to participate in the investigation, and that, as part of a broader plan to reform trade distorting practices in this sector, the safeguard action is working without serious negative consequences to downstream industries.

Since the safeguard action was implemented one year ago, there has been a modest price recovery on steel products. Keep in mind, however, that the price of steel was at unsustainable levels prior to and had absolutely no where else to go but up. In fact, even after one year with the tariffs in place hot rolled steel prices are still below the twenty year average.

Steel supplies have also been robust since the safeguard action has been in place. Contrary to predictions, there is no evidence that the safeguard measure has unduly hampered import supply. Indeed, imports of flat-rolled steel increased substantially after the imposition of section 201 measures in 2002, as compared to the same period in 2001.

One goal of the safeguard statute is to achieve a period of breathing room from unfairly traded imports which allows the affected industry time to restructure. Since the safeguard action was implemented, domestic producers have enjoyed improvements in revenues, operating income, and capacity utilization. A number of companies have returned to profitability, while other companies have shown significant improvements even though they have not yet become profitable. The industry has made significant progress toward restructuring and consolidation. While recovery and restructuring will take time, the President's plan has allowed the industry to make a real start.

The crisis in steel is not yet over. It is not enough for Congress to look back on the actions already taken by the ITC and the President. Instead, Congress must continue to take an active roll, along with the President, and look toward completing the initiatives we have already begun. The safeguard action was put in place by President Bush for three years, declining each year it is in effect. The safeguard action must not be cut short and must run its full course. Further, great strides must be taken to facilitate a comprehensive and meaningful conclusion to the OECD high-level talks on steel.

Finally, the United States must also maintain and utilize strong trade laws which encourage free and fair trade. Over the long term, strong and full enforcement of U.S. anti-dumping and countervailing duty laws is the only means to encourage market behavior and deter the unfair trade practices that initially led to the steel crisis. These laws are critical to the long-term survival of the domestic steel industry. It is essential that our trade laws are fully enforced and that the Administration defend the integrity of this last line of defense against unfairly traded imports in negotiations for new international trade agreements.

THE U.S. STEEL INDUSTRY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. COSTELLO. Mr. Speaker, I rise today to recognize the one-year Anniversary of President Bush's decision to impose temporary tariff relief on behalf of the domestic steel industry.

Since 1998, our domestic steel industry has been in crisis, with the worst year coming in 2001. The fundamental cause of this crisis

was massive foreign overcapacity, which had caused the United States to become the dumping ground for world excess steel products. As a result of this, 35 steel companies have filed for bankruptcy, and over 50,000 American steel workers have lost their jobs.

In my home state of Illinois, the crisis has resulted in four steel companies filing for bankruptcy, including Laclede Steel and the parent company for Granite City Steel, which are in the Congressional District I represent. Approximately 5,000 steel workers have lost their jobs in Illinois alone.

In 2000, I joined my colleagues on the Congressional Steel Caucus in urging the President to implement a Section 201 investigation by the International Trade Commission to determine if our domestic markets had been harmed by illegal dumping. I also testified before the ITC to express my concerns regarding the steel crisis. The ITC ruled unanimously that the steel industry had indeed been harmed.

While the ITC's decision was welcome, it didn't guarantee relief for the domestic steel industry. That decision was left to the President to determine what type of remedy should be afforded to the industry. I was pleased that the President decided to impose the tariffs, rather than quotas, which would not have been as helpful to the industry.

Mr. Speaker, we have seen the positive results of the President's decision to impose tariffs. The steel industry is beginning to show signs of recovery. Prices are stabilizing and steel companies are returning to profitability. The industry is restructuring and consolidating. All of this has happened without hampering the availability of competitively priced steel products. In fact, steel imports were higher in 2002 than they were in 2001.

However, for the industry to continue its recovery, it is imperative that as the Section 201 tariff measures are reviewed, they remain fully enforced for at least three years as ordered by the President, and that exemptions to the tariffs are limited.

I urge my colleagues to join me in supporting our domestic steel industry by supporting the existing tariffs on foreign steel. This support will allow for the continued recovery of this nation's domestic steel industry.

INTRODUCTION OF THE INSTALLMENT SALE PRODUCTION ACT OF 2003

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. HERGER. Mr. Speaker, I am today introducing legislation that would restore effective use of the installment method of accounting to long-term service business owners who sell their business interests.

The installment method of accounting allows a seller to pay tax on the gain from a sale as the seller receives the sale proceeds. This tax treatment matches the time for paying the tax to when the seller has the cash with which to pay that tax.

As many Members are aware, in the 106th Congress, we acted on a recommendation from the Clinton Administration to repeal the installment method of accounting for accrual

basis taxpayers. Only after such change became law did we discover that we had effectively eliminated the installment method of accounting for many small business owners and, as a result, made it much more difficult for those business owners to sell their businesses. These business owners were forced to pay the entire federal income tax due on the sale of their business in the year of sale, even though the proceeds of the sale would be received over several years. This up-front demand by the government forced business owners to borrow to pay the tax or to accept lower sale prices in order to induce buyers to pay enough up-front to cover the seller's tax. To its credit, the Congress admitted its mistake and retroactively restored the installment method to accrual basis taxpayers in the Installment Tax Correction Act of 2000 (P.L. 106-573), which was enacted on December 28, 2000.

While restoring the installment method for accrual method taxpayers in 2000 was the right thing to do, it did not go far enough in remedying the installment sale problems of business owners. Despite the clear policy decision by Congress in 2000 to permit sellers of businesses to use the installment method, some long-term business owners continue to be required to pay a significant portion of total taxes upon entering into an installment sale of their business, even though they have not yet received any significant part of the sale proceeds.

An exception to the installment sale method of accounting requires taxpayers to pay all tax attributable to depreciation recapture in the year of a sale. This depreciation recapture rule was adopted in 1984 in order to prevent taxpayers from engaging in "churning" transactions, sale/leasebacks, and other tax shelter transactions involving real estate and equipment. However, the recapture provision was expanded well beyond its original purpose in 1993 in connection with legislation relating to the treatment of intangibles. Unfortunately, Congress may not have fully appreciated the consequences to sellers of business interests.

In 1993, the Congress adopted rules to clarify the amortization of acquired intangibles (e.g., goodwill, going concern value). The 1993 change required intangibles to be written off over a 15-year period, but specified that any gain on the sale of the intangibles attributable to previous amortization deductions would be treated as depreciation recapture. As a result, tax on this gain must be paid immediately in the year of sale. Because these new rules generally applied to intangibles acquired after August, 1993, business owners are now only just beginning to feel the effects of the recapture rule. This rule is having a particularly adverse effect on service businesses, because intangibles such as goodwill and going concern value represent a major portion of the value of those businesses.

For a simplified example, take the case of a business owner who purchased an interest in an architectural firm for \$100 in 1993, substantially all of the value of which was attributable to going concern value. The owner, who has actively participated in the business, retires in 2009 and sells the business for \$200, payable in ten equal annual installments. This sale would produce \$100 of capital gain (at an assumed tax rate of 20%) and \$100 of ordinary income (at an assumed tax rate of 33%), generating a total tax of \$53. Be-

cause of the intangibles recapture rule, the seller will have to pay \$35, or 66% of the total tax, in the first year, despite having received only 10% of the sale proceeds in that year. This result is clearly inequitable and defeats the purpose of allowing business owners to use the installment method of reporting gain from the sale of the business. Moreover, the result is especially harsh in cases where a business owner is retiring and selling the business.

My bill would allow a long-term active participant in a service business to report intangibles recapture gain on the installment basis along with other gain from the sale. The legislation would not change the character of any gain. As such, intangibles recapture gain would continue to be ordinary income to reflect the fact that it previously gave rise to an ordinary deduction. The bill is limited to long-term participants because they are the individuals who would otherwise be likely to suffer the greatest hardship under the recapture rule and who are most likely to be relying on installment sale payments to supplement their retirement income.

Specifically, my bill would allow an individual who has been an active participant for five of the prior seven years in a business in which capital is not a material income-producing factor (i.e., a service business) to report on the installment basis any intangibles recapture income resulting from the disposition of an interest in the business.

Because this proposal does not apply to depreciation recapture from tangible property, the proposal does not conflict with the original goals of Congress in adopting the depreciation recapture exception to the installment sale rules. Specifically, this is not a change that would permit tax sheltering through any sort of "churning" transactions.

While this proposal does not address all of the potential cases in which the installment sale method is unavailable upon the sale of a business, it does go a long way towards addressing one of the most egregious situations. I urge my colleagues to support this worthy legislation.

INTRODUCTION OF THE CLASS ACTION FAIRNESS ACT OF 2003

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. GOODLATTE. Mr. Speaker, I am pleased to introduce today, along with my good friends from Virginia, Mr. BOUCHER and Mr. MORAN, and the Chairman of the Judiciary Committee, Mr. SENSENBRENNER, the Class Action Fairness Act of 2003.

This much-needed bipartisan legislation corrects a serious flaw in our federal jurisdiction statutes. At present, those statutes forbid our federal courts from hearing most interstate class actions—the lawsuits that involve more money and touch more Americans than virtually any other type of litigation in our legal system.

The class action device is a necessary and important part of our legal system. It promotes efficiency by allowing plaintiffs with similar claims to adjudicate their cases in one proceeding. It also allows claims to be heard in

cases where there are small harms to a large number of people, which would otherwise go unaddressed because the cost to the individuals suing could far exceed the benefit to the individual. However, class actions are increasingly being used in ways that do not promote the interests they were intended to serve.

In recent years, state courts have been flooded with class actions. As a result of the adoption of different class action certification standards in the various states, the same class might be certifiable in one state and not another, or certifiable in state court but not in federal court. This creates the potential for abuse of the class action device, particularly when the case involves parties from multiple states or requires the application of the laws of many states.

For example, some state courts routinely certify classes before the defendant is even served with a complaint and given a chance to defend itself. Other state courts employ very lax class certification criteria, rendering virtually any controversy subject to class action treatment. There are instances where a state court, in order to certify a class, has determined that the law of that state applies to all claims, including those of purported class members who live in other jurisdictions. This has the effect of making the law of that state applicable nationwide.

The existence of state courts that broadly apply class certification rules encourages plaintiffs to forum shop for the court that is most likely to certify a purported class. In addition to forum shopping, parties frequently exploit major loopholes in federal jurisdiction statutes to block the removal of class actions that belong in federal court. For example, plaintiffs' counsel may name parties that are not really relevant to the class claims in an effort to destroy diversity. In other cases, counsel may waive federal law claims or shave the amount of damages claimed to ensure that the action will remain in state court.

Another problem created by the ability of state courts to certify class actions which adjudicate the rights of citizens of many states is that often times more than one case involving the same class is certified at the same time. In the federal court system, those cases involving common questions of fact may be transferred to one district for coordinated or consolidated pretrial proceedings.

When these class actions are pending in state courts, however, there is no corresponding mechanism for consolidating the competing suits. Instead, a settlement or judgment in any of the cases makes the other class actions moot. This creates an incentive for each class counsel to obtain a quick settlement of the case, and an opportunity for the defendant to play the various class counsels against each other and drive the settlement value down. The loser in this system is the class member whose claim is extinguished by the settlement, at the expense of counsel seeking to be the one entitled to recovery of fees.

Our bill is designed to prevent these abuses by allowing large interstate class action cases to be heard in federal court. It would expand the statutory diversity jurisdiction of the federal courts to allow class action cases involving minimal diversity—that is, when any plaintiff and any defendant are citizens of different states—to be brought in or removed to federal court.

Article III of the Constitution empowers Congress to establish federal jurisdiction over diversity cases—cases “between citizens of different States.” The grant of federal diversity jurisdiction was premised on concerns that state courts might discriminate against out of state defendants. In a class action, only the citizenship of the named plaintiffs is considered for determining diversity, which means that federal diversity jurisdiction will not exist if the named plaintiff is a citizen of the same state as the defendant, regardless of the citizenship of the rest of the class. Congress also imposes a monetary threshold—now \$75,000—for federal diversity claims. However, the amount in controversy requirement is satisfied in a class action only if all of the class members are seeking damages in excess of the statutory minimum.

These jurisdictional statutes were originally enacted years ago, well before the modern class action arose, and they now lead to perverse results. For example, under current law, a citizen of one state may bring in federal court a simple \$75,001 slip-and-fall claim against a party from another state. But if a class of 25 million product owners living in all 50 states brings claims collectively worth \$15 billion against the manufacturer, the lawsuit usually must be heard in state court.

This result is certainly not what the framers had in mind when they established federal diversity jurisdiction. Our bill offers a solution by making it easier for plaintiff class members and defendants to remove class actions to federal court, where cases involving multiple state laws are more appropriately heard. Under our bill, if a removed class action is found not to meet the requirements for proceeding on a class basis, the federal court would dismiss the action without prejudice and the action could be refiled in state court.

In addition, the bill provides a number of new protections for plaintiff class members including a requirement that notices sent to class members be written in “plain English” and provide essential information that is easily understood. Furthermore, the bill provides judicial scrutiny for settlements that provide class members only coupons as relief for their injuries, and bars approval of settlements in which class members suffer a net loss. The bill also includes provisions that protect consumers from being disadvantaged by living far away from the courthouse. These additional consumer protections will ensure that class action lawsuits benefit the consumers they are intended to compensate.

This legislation does not limit the ability of anyone to file a class action lawsuit. It does not change anybody's rights to recovery. Our bill specifically provides that it will not alter the substantive law governing any claims as to which jurisdiction is conferred. Our legislation merely closes the loophole, allowing federal courts to hear big lawsuits involving truly interstate issues, while ensuring that purely local controversies remain in state courts. This is exactly what the framers of the Constitution had in mind when they established federal diversity jurisdiction.

I urge each of my colleagues to support this very important bipartisan legislation.

MEDICAL LIABILITY INSURANCE CRISIS RESPONSE ACT OF 2003

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. SANDLIN. Mr. Speaker, I am pleased today to introduce legislation that actually addresses the skyrocketing medical malpractice insurance premiums of such concern to physicians and other health care providers all across our Nation.

The “Medical Liability Insurance Crisis Response Act of 2003” takes significant steps directly to address the insurance premium crisis that plagues what is otherwise the finest health care system in the world.

First, the bill proposes a partial repeal of the McCarran-Ferguson Act to limit the antitrust exemption currently covering the medical malpractice insurance industry.

Second, the bill addresses the current economic strain faced by many health care providers by requiring the prompt payment of undisputed claims by health insurance carriers and penalizing those carriers who fail to comply.

Third, the bill authorizes the creation of a National Nurse Service Corps Scholarship Program to address our health care system's dire nursing shortage. It takes steps to improve recruitment, retention and education of our Nation's nurses.

Fourth, the bill proposes medical malpractice liability reform by requiring mandatory mediation of all malpractice claims before trial, by taking steps to prevent the filing of frivolous medical malpractice claims through the imposition of sanctions and other measures, and by requiring that plaintiffs in medical malpractice litigation to file an affidavit of merit prior to the commencement of any litigation.

Fifth, the bill directly addresses the medical malpractice insurance problems confronting our Nation's health care providers. It creates an Advisory Commission on Medical Malpractice to conduct an examination of current problems and, within one year, to provide to the Congress specific legislative and regulatory recommendations to solve the problem. It further freezes medical malpractice insurance rates during the period of the Commission's study. The bill provides significant disincentives to medical malpractice insurance carriers to address the current problems of industry exodus and renewability of coverage. It requires medical malpractice insurance carriers to offer coverage to any physician with no medical malpractice claims during the previous three years and imposes significant disclosure obligations on carriers to allow more informed monitoring of the industry with the goal of averting similar crises in the future. In addition, it limits the ability of carriers to raise malpractice insurance premiums without a clear demonstration of business necessity.

Sixth, the bill expresses the sense of Congress that states should consider additional and alternative methods to address medical malpractice insurance rates.

Finally, the bill provides tax incentives to physicians who practice in high-risk specialties or medically underserved areas to encourage them to maintain their current practices and provide improved access to our Nation's health care system.

THE COMMERCIAL TRUCK HIGHWAY SAFETY DEMONSTRATION PROGRAM ACT OF 2003

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. MICHAUD. Mr. Speaker, today, along with my good friend TOM ALLEN, I am introducing the Commercial Truck Highway Safety Demonstration Program Act of 2003. This bill would allow Maine to increase the weight limits for trucks on interstate highways, by granting a three-year waiver of federal rules. It mandates a study process that will help demonstrate the positive safety effects of these changes, and permit the waiver to be extended pending these safety determinations.

This bill is important both for public safety and economic reasons. The administration of the current 80,000 pound federal weight limit law in Maine has forced heavy tractor-trailer and tractor-semitrailer combination vehicles, traveling into Maine from neighboring States and Canada, to divert onto small State and local roads where higher vehicle weight limits apply under Maine law.

The diversion of those vehicles onto such roads causes significant economic hardships and safety challenges for small communities located along those roads. Permitting heavy commercial vehicles to travel on Interstate System highways in Maine would enhance public safety by reducing the number of heavy vehicles that use town and city streets, and as a result, the number of dangerous interactions between those heavy vehicles and other vehicles such as school buses and private cars.

It would also reduce the net highway maintenance costs in Maine because the Interstate System highways, unlike the secondary roads of Maine, are built to accommodate heavy vehicles and are, therefore, more durable.

Finally, this bill would ensure that Maine can remain competitive in the transportation and manufacturing sectors, and that our neighbors do not pass us by in development. This change is fair, and will promote parity in transportation throughout New England.

I urge my colleagues to support this bill, which will enhance safety, lower maintenance costs, and promote economic development.

HONORING RIDGEWOOD BAPTIST CHURCH IN JOLIET, ILLINOIS

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. WELLER. Mr. Speaker, I rise today to honor the Ridgewood Baptist Church in Joliet, Illinois. The Ridgewood Baptist Church is celebrating its 100th anniversary on March 9, 2003.

In 1888, Mr. William Rix, Mr. Hartwell, and Reverend J. W. Conley started Sunday School meetings that were held in various homes. In 1891, an unsightly building formerly used as a pest house was cleaned and renovated. This is where the first Sunday School session was held with George L. Vance acting as Superintendent. In 1895, property was purchased on the southeast corner of Brown and Leach Avenues at a cost of \$400. A Chapel was built

and dedicated in November 1896, at a total cost of slightly more than \$2500 and at that time was nearly debt-free. On March 8, 1903, 32 people met in the chapel and organized themselves into what has since been known as the Ridgewood Baptist Church. During that March, a church covenant was adopted, a baptistry was built and the Plano Baptist Church donated their old church pews. Out of this humble beginning, Ridgewood Baptist Church emerged.

The Church has grown in many ways since its humble beginnings. Today, around 300 people attend services at Ridgewood Baptist Church. In 1974, the Church opened its doors to their new school, Ridgewood Baptist Academy. Reverend Albert Baker is the current pastor of the Church. Reverend Baker's vision for the church is to have more land for the sports programs at the school. He also desires spiritual growth for his people and a desire to share their worship with others.

Mr. Speaker, I urge this body to identify and recognize other groups in their own districts whose actions have so greatly benefitted and strengthened America's families and communities.

HONORING ROY T. YANASE, D.D.S.

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today to recognize my friend and true legend, Dr. Roy Yanase, a nationally and internationally prominent prosthodontist. I have known Dr. Yanase for more than a decade and am honored to pay tribute to his professional accomplishments and his dynamic mentoring of hundreds of dental students throughout Southern California.

Dr. Yanase's energy is boundless, his smile matchless, and his compassion far-reaching. He graduated from the University of Southern California in 1969 and returned there for advanced training in a residency to obtain his Board Certification as a Prosthodontist in 1981. Dr. Yanase has been on the faculty of the University of Southern California School of Dentistry since 1969 and presently serves as a Clinical Professor of Continuing Education and Advanced Prosthodontic Education.

Over the past 25 years, Dr. Yanase has lectured internationally and throughout the United States. His writings on the specialty of prosthodontics have appeared in several publications as well as three major textbooks.

Dr. Yanase has held responsible positions in several national and regional organizations including serving as Founder, President and current Treasurer of the Osseointegration Study Club of Southern California; member of the Board of the American College of Prosthodontists and President of its California Section; Prosthodontic consultant for the California State Board of Dental Examiners; President of the Southern California Japanese-American Dental Society; and President of the Pacific Coast Society of Prosthodontists.

Dr. Yanase has been elected as a Fellow of the American College of Dentists, the International College of Dentists, the American College of Prosthodontists, the International College of Prosthodontists, the Pierre

Fauchard Academy and the Academy of Dentistry International.

Besides his Fellowships, Dr. Yanase is an active member of the Pacific Coast Society of Prosthodontists, American Academy of Geriatric Dentistry, the Newport Harbor Academy of Dentistry, Omicron Kappa Upsilon and the Japanese American Dental Society.

Dr. Yanase and his wife Regina have been married for 33 years and live in Torrance.

Mr. Speaker, it is with tremendous pride that I recognize the exceptional life of Dr. Roy Yanase. I congratulate him for his many accomplishments and wish him and his family the best of luck in years to come.

JAPANESE AMERICANS

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. HONDA. Mr. Speaker, one of the most concise rebuttals that I have read to the notion that Japanese Americans were placed in the camps because they either posed a national security threat or for their own safety comes from a law professor from the University of North Carolina, Chapel Hill in a letter dated February 7, 2003. I would like to submit this letter at this point in the Record.

THE UNIVERSITY OF NORTH CAROLINA AT
CHAPEL HILL

Chapel Hill, North Carolina, February 7, 2003.

Hon. HOWARD COBLE,

*U.S. House of Representatives, Rayburn House
Office Building, Washington, DC.*

DEAR REPRESENTATIVE COBLE: I am a professor of law at the University of North Carolina School of Law in Chapel Hill. My areas of expertise include constitutional law and especially the story of the internment of Japanese Americans during World War II. My book on the subject, *Free to Die for their Country: The Story of the Japanese American Draft Resisters in World War II* (Univ. of Chicago Press, 2001), was named one of the Washington Post's Top Nonfiction Titles for 2001.

I have followed with interest and concern the story about your comments on the radio on Tuesday morning to the effect that you support the internment of Japanese Americans during World War II, and that the Roosevelt administration interned Japanese Americans to protect them.

I note that you were quoted in the High Point Enterprise as saying the following: "I still stand by what I said . . . that, in no small part, it (internment) was done to protect the Japanese-Americans themselves." The article further states that you said that if it were proven to you that protecting Japanese Americans was not one of FDR's motivations, you will apologize.

Here is the proof.

Just after the Pearl Harbor attack, FDR, asked Navy Secretary Frank Knox to investigate the possibility, that Fifth Column work by people of Japanese ancestry in Hawaii had contributed to the success of the Japanese sneak attack. Knox reported his conclusions to FDR by December 15, and on that day, said to reporters that he thought "the most effective Fifth Column work of the entire war was done in Hawaii with the possible exception of Norway." J. Edgar Hoover immediately registered his strong disagreement with Knox's conclusions, and it turns out that Knox was wrong and Hoover was right. But it was Knox's views that were made public, and they triggered hysteria on the West Coast.

Well before the war, FDR, anticipating a possible war with Japan, had commissioned his own secret intelligence investigation of Japanese aliens and their loyalties. Leading this effort were John Franklin Carter (an author and columnist) and Curtis Munson (a prominent Republican businessman). And the Office of Naval Intelligence ("ONI") and the FBI were for quite some time before Pearl Harbor, gathering names of Japanese aliens who might need to be apprehended in the event of war. ONI and the FBI actually compiled a list of such aliens which came to be called the "ABC" list—so named because the list presented three categories (Category A, Category B, and Category C) of potentially dangerous aliens. (In the days after Pearl Harbor, all of the aliens in these three categories were in fact arrested—a total of some 1500.)

Carter and Munson's investigations had led them to conclude that the overwhelming majority of Japanese aliens and an even greater percentage of American citizens of Japanese ancestry were in fact loyal to the United States, and that of those whose loyalty was even questionable, few could be expected even to consider actually doing something to support Japan or undermine the United States. Carter and Munson grew alarmed by Knox's report and the anti-Japanese outcry that followed it.

Carter and Munson quickly put together a plan for FDR's consideration that was designed to bolster the Japanese American communities of Hawaii and the West Coast. Their plan called for a number of things: FDR was urged to go on record as believing in the loyalty of American citizens of Japanese ancestry (the "Nisei"). The Nisei should be invited to volunteer (and then should be accepted) for patriotic service in the Red Cross and civilian defense. The Nisei should be encouraged to take control of their alien parents' property. Once investigated, the Nisei should be allowed to take jobs in defense plants. Carter and Munson also urged the government to work closely with the Japanese American Citizens League, which had indicated its willingness to serve as a loyal liaison with the Japanese American community.

The goals of the Carter-Munson plan were many, but they included the discouragement of vigilante violence against Japanese Americans and Japanese aliens. The hope was that if FDR came out quickly and loudly in support of people of Japanese ancestry, and involved them quickly in activities that would permit their loyalty and patriotism to shine through, others would not see them as a threat.

The Carter-Munson plan was submitted to Roosevelt before Christmas. By mid-January, it was completely forgotten—suspended by other pressures that I'll detail in a moment. And here's the important point: the Carter-Munson plan was the only plan for dealing with Japanese Americans that took their security into account in any way. It never got off the ground.

Why didn't it get off the ground? For four main reasons.

First, by late January 1942, General John DeWitt (the commanding officer of the West Coast Defense Command) and his advisor Karl Bendetsen had become persuaded that mass action to remove all people of Japanese ancestry from the West Coast was necessary for military reasons. Their viewpoint was fed largely by outrageous rumors of Japanese American subversion, none of which ever panned out.

Second, by mid-January, a rabidly racist press along the Coast had begun campaigning for the eviction of all "Japs" from the area—not for their protection, but because they could not be trusted.

Third, white farmers in California began lobbying ferociously for the removal of all people of Japanese ancestry—not to protect them, and not even really for national security reasons, but to drive the very successful Japanese farming industry out of business.

And fourth, their lobbying, and the voices of the editorialists, succeeded in pushing most of the congressional delegations of the West Coast states to demand mass exclusion.

As Professor Greg Robinson says in his authoritative treatment of the subject, "By Order of the President; FDR, and the Internment of Japanese Americans" (Harvard U. Press, 2001). "the binding factor among these disparate social, economic, and military forces was racial animosity toward Japanese Americans." (p.90)

Through late January and early February, Attorney General Francis Biddle, and his staff fought with the military to prevent mass action against Japanese Americans. But it was too late. On February 11, 1942, Secretary of War Henry Stimson sent FDR a memo asking whether he'd be willing to support "mov[ing] Japanese citizens as well as aliens from restricted areas." Getting no response, Stimson phoned FDR on February 15 to ask for a meeting on the memo. FDR said he was too busy for a meeting, but in "very vigorous" tones told Stimson that the military should do whatever they thought best. FDR predicted that "there would probably be some repercussions but it has got to be dictated by military necessity."

On February 19, 1942, FDR signed Executive Order 9066, which gave the military carte blanche to do what they wished with Japanese, aliens and American citizens of Japanese ancestry along the West Coast.

There is the proof. A concern for protecting Japanese Americans had nothing whatsoever to do with the decision to force Japanese Americans behind barbed wire. Nothing.

(My sources for this account include Greg Robinson's book, *Peter Irons's Justice at War, and Personal Justice Denied*, the report of Congress's Commission on the Wartime Internment and Relocation of Civilians. This, you'll recall, was the fact-finding Commission that Congress created in the early 1980s to investigate the internment. Their report, condemning the internment, led to the passage of the Civil Liberties Act of 1988, signed into law by President Reagan, which apologized to surviving internees for the internment, and authorized the payment to each of them of a token \$20,000 redress payment. You will also recall that you spoke and voted against this bill.

I hope that you will take this opportunity to admit the mistake in your comments of Tuesday morning and apologize for them.

Thank you for considering this.

Sincerely,

ERIC L. MULLER,
Professor of Law.

INTRODUCTION OF THE AMERICA'S WILDERNESS PROTECTION ACT

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. OTTER. Mr. Speaker, I rise before the House today to introduce the America's Wilderness Protection Act—a bill to apply urgency and accountability to the process of evaluating potential wilderness by setting firm deadlines.

There are 666 wilderness study areas across the nation that were designated more

than 10 years ago, totaling nearly 23 million acres in 18 states. In Idaho alone there are 86 wilderness study areas totaling about 3.1 million acres.

Sixty-three of the 67 Idaho parcels managed by the Bureau of Land Management have been locked up since the early 1980s—even though 40 of them have been found unsuitable for wilderness protection. The other four have been withdrawn from multiple-use since 1976. Most of the 19 Forest Service wilderness study areas have been in place since the mid-1980s and two have held that status since 1972.

That means Congress has dragged its feet and obstructionists have gladly accepted the do-nothing status quo on these lands through the administrations of seven presidents and during the entire lifetime of many working people in Idaho.

The problem stems from the failure of the Wilderness Act of 1964 and the Federal Land Policy and Management Act of 1976, which created the wilderness study area process, to provide for release of areas eventually deemed unsuitable for wilderness designation.

America's Wilderness Protection Act addresses that intractable situation by establishing a timetable for completion of wilderness studies. Lands designated as study areas would be released from that status on the earlier of: (1) 10 years after the legislation is enacted; (2) the date the area is designated wilderness by Congress, or (3) the date that the secretary of Interior or Agriculture determines the area is unsuitable for wilderness designation.

In the past, some have referred to acreage allowed to languish as wilderness study areas for decades as "de facto wilderness." This term is too kind. Designated wilderness has the advantage under law of being actively managed to retain its values. Wilderness study areas, on the other hand, are virtually untouched. These lands are left to overgrowth, disease and infestation by noxious weeds and other invasive species. They become ripe for catastrophic wildfires that threaten not only the acreage being "studied" for preservation but nearby private and public land as well.

Critics contend this bill would eliminate any incentive for ranchers and other multiple-use advocates to become engaged in earnest discussions of possible wilderness designations. The argument goes that they would only have to wait out the process and protection ultimately would be denied any parcel they choose. That couldn't be further from the truth.

There are no more avid outdoors enthusiasts and conservationists than those who make their living from the land. They have a deep understanding of the cycles of life and the value of protecting and cherishing the natural world. They appreciate the importance of stewardship; it's a principle they embody every day.

While the land itself is timeless, the scenic, cultural, habitat and aesthetic values of any particular tract—if left to the ravages of time—are decidedly limited. Just as vulnerable are the economic futures of the many families whose livelihoods have been stripped away by the loss of access to so much of what now can only laughingly be called 'public' land in the West.

This legislation promotes resolution and collaboration. After a generation of paralyzing indecision and refusal to accept responsibility,

the 108th Congress has an historic opportunity—if it can muster the wisdom and courage to embrace it.

CONGRATULATIONS TO CONGRESSMAN VERNON J. EHLERS

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. HOEKSTRA. Mr. Speaker, I rise today to congratulate my colleague, Congressman VERNON J. EHLERS of Grand Rapids, MI, on receiving the prestigious 2002 Philip Hauge Abelson Prize.

The Abelson Prize is awarded annually to honor a public servant for exceptional contributions to advancing science, or a scientist for a distinguished career of scientific achievement. It is granted by the American Association for the Advancement of Science (AAAS), the world's largest general scientific organization and publisher of the journal, "Science."

This award is much deserved. Congressman EHLERS received his Ph.D. in nuclear physics from the University of California at Berkeley in 1960. In 1966 he began teaching at Calvin College in Grand Rapids, MI and later became chairman of the college's physics department. Following a distinguished career in teaching, scientific research and community service, Congressman EHLERS joined this body in 1994, becoming the nation's first research physicist elected to Congress. He serves the 3rd Congressional District of Michigan, which directly borders the district I represent.

While serving, Congressman EHLERS has employed his scientific expertise to the benefit of our country. In 1997 the House Speaker selected him to review and restate the nation's science policy. The study, "Unlocking Our Future: Toward a New National Science Policy," was the first full policy statement on federal science and technology by the U.S. Congress. In addition, he currently serves as Chairman of the Subcommittee on Environment, Technology and Standards for the House Science Committee.

Mr. Speaker, Congressman EHLERS brings to this body both a unique scientific background and a strong commitment to use his knowledge and abilities for the public good. Please allow me to congratulate him once again on his most recent honor and thank him for his exemplary public service.

THE PRESIDENT STILL HAS NOT MADE THE CASE THAT WAR AGAINST IRAQ IS NECESSARY AT THIS TIME

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I rise to express my grave concern over the Bush Administration's approach toward Iraq.

I believe that this Administration is now, and has always been, determined to go to war and that it has never taken all the steps available

to avert a war while also achieving its goals toward that country.

This Administration's approach ill serves the American people and is dangerous for America's position in the world.

Iraqi leader Saddam Hussein should adhere to the demands of the United Nations Security Council to destroy any weapons of mass destruction, to refrain from further development of such weapons, and to cease and desist from hostilities towards his own people and his neighbors. He has not yet done so.

But the fact is that the United States has never given the United Nations process its full respect. The President's national security advisors have said they have intelligence to prove that Iraq is failing to comply with the United Nations' resolutions and is deceiving the weapons inspectors, but it has not fully divulged that intelligence to the inspectors.

The President has said that the United Nations must vote to use force because the weapons inspections are not working. And yet he has never advocated for a robust weapons inspection regime. Even though chief weapons inspector Hans Blix is reporting that progress is being made, albeit slowly, the fact is that we could have made even more progress with a tripling of the inspections team and an early insistence on the use of U2 spy plane overflights.

The President has an obligation to take every step possible short of war before determining whether or not war is necessary. I do not believe that the conclusion today can be reached that war is necessary.

I believe that more time can safely be given to weapons inspections without risking a unilateral attack by Iraq against the United States or our allies.

I do not believe that the facts indicate that Iraq poses a threat to the security of the United States.

But perhaps just as important, I believe that the weapons inspection regime is keeping Saddam Hussein occupied and that an even more robust weapons inspection regime would cripple any offensive capability he might contemplate.

Mr. Speaker, America's standing in the world is jeopardized by the President's position on Iraq.

President Bush has stood by while North Korea becomes a nuclear nation, but he has badgered and bullied nearly every nation in the world to support his position against Iraq, whose military capabilities are far more limited than those of North Korea. The world community has rarely received such bellicose and belligerent treatment as they have from the United States on the issue of Iraq.

The President weakens the international alliance against terrorism and other world threats as he bullies nations to support his march to war.

These nations are not admirers of Saddam Hussein, but they are opponents of war when war has not yet been proven to be necessary.

And the American people are not admirers of Saddam Hussein. But they too strongly believe that war must be the last resort and only when absolutely necessary and only with international support. This Administration chose war as its first response and has not changed course since.

Mr. Speaker, I would hope that the Administration would strongly consider world opinion that advocates more time for weapons inspec-

tions. I would hope that this Administration would strongly consider the harm to America's standing in the world as it deals with the members of the United Nations. And I would hope that this Administration would remember that America is a peaceful nation, it is a just nation, and a strong nation. America is not, and should never become, a nation that is proud to go to war.

Should it be determined that war indeed is necessary, I have every confidence that the armed forces of this country will perform their responsibility with strength and character. I have always admired the men and women who choose to serve in the armed forces. I admire them for their hard work, their sense of duty to our country, and their sense of responsibility. But it is because of that very character and sense of duty to our nation that our government must exhaust every alternative to war before placing those men and women in harm's way.

The measure of the strength of a nation is its ability to show appropriate restraint just as much as it is its ability to protect itself and its allies. Mr. Speaker, millions of Americans and people throughout the world support allowing more time for weapons inspections. I believe they are right and I believe our nation will be well served to allow more time for a rigorous inspections program.

NATIONAL COALITION AGAINST DOMESTIC VIOLENCE DAY

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. HOLDEN. Mr. Speaker, I rise today to speak out against domestic violence. Domestic violence is a harsh reality facing our country that we as a Congress must stand up and fight against.

In my seven years as a County Sheriff, I encountered hundreds of domestic violence cases. This is a societal problem that knows no income barriers, no racial barriers, and no geographic barriers.

Within our society, domestic violence causes irreparable damage to the family. Domestic violence is a main cause for child neglect and severely distorts a child's perspective on the relationship between mother and father.

The sight of a victimized mother is a sight no child in this country should ever see. Children who are raised in homes where domestic violence continues live in fear for their own lives, afraid to speak out so they won't become the victim.

Now more than ever, it is time to stand up against these domestic bullies. We must lead the way as a Congress to end this disgrace and provide a safer way of life for all of America's families.

SUPPORT FOR NATIONAL AQUATIC INVASIVE SPECIES ACT AND AQUATIC INVASIVE SPECIES RE- SEARCH ACT

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. McHUGH. Mr. Speaker, I wish to express my support for the National Aquatic Invasive Species Act and the Aquatic Invasive Species Research Act that was reintroduced March 5, 2003. I want to first thank my colleagues, Mr. EHLERS and Mr. GILCHREST, for all of the hard work, initiative, and time that they and their staffs have invested in this much needed legislation.

My district in Upstate New York is impacted, environmentally, economically, and socially, by the health and future viability of the Great Lakes. I know that New York State is only one of many states that directly feel the negative effects of invasive species. Aquatic invasive species are destroying the environment of the Great Lakes, damaging the Great Lakes fisheries, and costing taxpayers an estimated \$138 billion annually. It is important that we set interim standards for balanced water treatment systems so that we can control and see a significant decline in the increasing threat posed by aquatic invasive species to our aquatic ecosystems and natural resources.

These two pieces of comprehensive legislation would reduce the introduction of aquatic invasive species from ships and from other pathways through a variety of standards, research, and management programs. They complement one another in a variety of meaningful ways and I am hopeful that this body will be committed to moving these important pieces of legislation through the legislative process so that we, as a Congress, can properly address this problem.

Aquatic invasive species is one of many reasons I have long stood in opposition to the Great Lakes Navigation System Review study that was recently funded in the Fiscal Year 2003 Energy and Water Development Appropriations bill. If expansion and dredging of the St. Lawrence Seaway were to occur, we would inevitably see the introduction of and exponential increase of aquatic invasive species. The reasons I voice my support today of the National Aquatic Invasive Species Act and the Aquatic Invasive Species Research are consistent and unwavering with the stand I have taken long before today on this incredibly important issue. I am committed to the discovery of methods, and to fully funding those methods, that would work to decrease, and I hope, one day, eradicate, invasive species of all kinds in the waters of our region.

GLOBAL HIV/AIDS PANDEMIC

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2003

Mr. CUMMINGS. Mr. Speaker, I would like to revise and extend my remarks to include a letter I referenced during my special order statement yesterday on the issue of the President's Emergency Plan for AIDS Relief, announced during his State of the Union address

this past January. This is the letter that I and other members of the CBC, AIDS activist groups and the faith-based community wrote to President Bush on December 18, 2002 asking him to announce a presidential initiative to address this vexing problem.

CONGRESS OF THE UNITED STATES,
Washington, DC, December 18, 2002.

President GEORGE W. BUSH,
1600 Pennsylvania Avenue,
Washington, DC.

DEAR PRESIDENT BUSH: As members of the Congressional Black Caucus, we are writing to draw your attention to the growing spread of HIV/AIDS throughout the developing world. It would be impossible to overstate the devastation caused to date by the global AIDS pandemic, or the urgency of the need for a greater response from the United States and the global community. With 42 million people currently living with HIV/AIDS—29.4 million of them in Sub-Saharan Africa—14 million children already orphaned by the disease, and 70 million more people expected to die by 2020, we must do more now. We must respond on an appropriate scale to address the greatest plague in recorded history.

The United States, as the world's wealthiest nation, must take greater action by contributing its fair share, and in doing so we can help galvanize the global response that we so desperately need. As you prepare to travel to Africa in January, and as you prepare your budget for fiscal year 2004, you have a remarkable opportunity to demonstrate United States leadership against AIDS at a moment when the world will be watching. We urge you to launch a major new U.S. initiative to fight AIDS, as well as tuberculosis and malaria. TB is the leading killer of people with HIV, claiming 2 million lives each year despite the existence of an effective and inexpensive cure, while malaria kills nearly one million people each year, most of them young children in Africa.

An expanded U.S. Initiative to fight AIDS must:

Provide at least \$2.5 billion for implementation of global AIDS programs in 2004, as well as additional funds to combat TB and malaria. At least 50 percent of this should go to the Global Fund to Fight AIDS, TB and Malaria.

Prioritize treatment, as well as prevention and care, for those affected—including an expanded mother-to-child transmission initiative that would detect and treat entire families, and including funding and personnel as needed to implement the WHO call to treat three million people with HIV by 2005.

Promote developing countries access to sustainable supplies of affordable medicines for AIDS and other diseases such as opportunistic infections in accordance with the Doha Ministerial Declaration on the TRIPS Agreement and Public Health and oppose any attempts to limit the scope of the Declaration.

Expand programs for children orphaned by AIDS.

Seek debt cancellation for impoverished countries, so they can invest in poverty reduction and AIDS programs.

Most importantly, a U.S. initiative should consist of new monies and policies that complement existing U.S.-supported programs and are additional to the Millennium Challenge Account (MCA). The MCA, however, also must help meet the Millennium Development Goal of halting and reversing the spread of these diseases.

We cannot win the war against AIDS without greater financial resources and a clear plan of action for the United States. Programs around the world are ready to scale up prevention, treatment, and care to save lives

now, and to develop the systems needed to save tens of millions more in the future. Each day we delay in mounting a comprehensive—and compassionate—response to the global AIDS and TB pandemics, the cost in human, social, and economic terms grows. You will have our strong support and the support of the American people for a bold new initiative to save families and communities affected by the AIDS crisis, to extend the parent-child relationship, and to secure the future of young people.

Sincerely,

Barbara Lee, Donna Christian-Christensen, Edolphus Towns, Charles B. Rangel, Julia Carson, Juanita Millender-McDonald.

Maxine Waters, Danny K. Davis, Robert Scott, Elijah E. Cummings, William "Lacy" Clay, Stephanie Tubbs Jones.

Eddie Bernice Johnson, Bobby L. Rush, Carolyn C. Kilpatrick, Diane E. Watson, Gregory W. Meeks, Major R. Owens.

Harold Ford, Jr., John Conyers, Jr., Alcee L. Hastings, Sheila Jackson-Lee, Eleanor Holmes Norton, Donald M. Payne, Sanford D. Bishop, Jr., Bennie G. Thompson, Melvin L. Watt, Corrine Brown, Chaka Fattah, Jesse Jackson, Jr., James Clyburn, Albert R. Wynn.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2003

SPEECH OF

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2003

Mr. SMITH of New Jersey. Mr. Speaker, a decade ago we began witnesses to genocide in Europe. By stirring up nationalism, harassing opposition and intimidating the population as a whole to go along with his plans, the regime of Slobodan Milosevic led Serbia into a war of aggression against its neighbors within the former Yugoslavia. Millions were displaced, hundreds of thousands killed and tens of thousands raped or tortured, particularly in Bosnia-Herzegovina. In response, largely at the urging of the U.S. Congress, sanctions were put into place and, ultimately, military intervention was employed to stop Milosevic.

In 2000, the voters of Serbia removed Milosevic from power. In place of his regime, an opposition consisting of genuine reformers and true democrats along with a fair share of Serbian nationalists took control of government. Since that time, the ruling opposition fell into polarized camps, making recovery and reform difficult. This situation also created a challenge in U.S. foreign policy. On the one hand, the United States wants to encourage Belgrade and facilitate reform. On the other, the United States must ensure that the legacy of Slobodan Milosevic has been fully shed, a prerequisite for recovery throughout southeastern Europe.

The Miscellaneous Tariff Bill, H.R. 1047, considered yesterday contains a provision granting the President the authority to restore normalized trade relations for Serbia and Montenegro. I support this provision; normalized trade relations should be restored. Whatever problems might remain, the fact is that there has been progress since Milosevic was re-

moved from power, and Serbia and Montenegro should not be placed on the same list of states not granted normalized trade relations as Cuba, North Korea or Laos. Other countries with far worse records, including Belarus and the Central Asian states, at least receive the benefits of normalized trade relations on a conditional basis which Serbia and Montenegro is denied.

By fixing this, I hope Belgrade recognizes that we want reforms to succeed and recovery and reform take place.

Belgrade also needs to know, Mr. Speaker, that restoring NTR does not mean satisfaction with Belgrade's performance to date. While there has been progress, that progress has been too slow, and some issues remain unresolved. Chief among these issues is Belgrade continued resistance to full cooperation with the International Criminal Tribunal for the Former Yugoslavia, located in The Hague. It is especially outrageous that persons responsible for the crimes committed at Vukovar and Srebrenica continue to be at large and perhaps even protected by Yugoslav or Serbian authorities.

While trade relations may not be conditioned on further progress, U.S. bilateral assistance to Serbia is. If there is not a major improvement in Belgrade's cooperation with The Hague by June 15, assistance to Serbia will stop. The Administration must certify progress before assistance continues past that date, and the State Department has made clear that a precondition for certification is the apprehension and transfer of Ratko Mladic, indicted for the massacre of thousands at Srebrenica, and Veselin Sljivancanin and Miroslav Radic, indicted for their role in the massacre of about 200 individuals taken from a hospital in Vukovar, Croatia.

As co-chairman of the Helsinki Commission, I urge Belgrade not only to meet their international obligations relating to ICTY not just to the point of obtaining certification for another year. Cooperation should be full. Only then can the conditionality on assistance be removed for good.

SMALL BUSINESS DEVELOPMENT CENTER

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. UDALL of New Mexico. Mr. Speaker, it gives me great pleasure to rise today to introduce legislation which amends the Small Business Act to authorize a Small Business Development Center in an eligible State to apply for an additional Small Business Administration grant to be used solely to provide specified services to assist with outreach, development, and enhancement on Indian lands of small business startups and expansions that are owned by Indian tribe members, Alaska Natives, or Native Hawaiians.

I introduced this legislation during the 107th Congress where it passed the House and unfortunately was not considered in the Senate. I am pleased to reintroduce this legislation today and wish to thank Chairman MANZULLO and Ranking Member VELAZQUEZ for their support of this legislation as well as Representatives GRAVES, FRANKS, RENZI, MATHESON, KILDEE, HAYWORTH, MARK UDALL, MILLENDER-

MCDONALD, BALLANCE, CHRISTIAN-CHRISTENSEN, GONZALEZ, ACEVEDO-VILA, CASE, MICHAUD, TUBBS JONES, CARSON, FALEOMAVEGA, BORDALLO, NAPOLITANO, and DAVIS for their support.

This legislation requires a State receiving a small business development center program grant to request the advice of the governing bodies of Indian tribes, corporations organized pursuant to the Alaska Native Claims Settlement Act and other Alaska Native entities, and Native Hawaiian organizations, as appropriate, on how best to provide assistance to such members, Alaska Natives, and Native Hawaiians and where to locate satellite centers to provide such assistance.

Today we have demonstrated how important small business enterprise is to the health of our economy. But there are still places in this country where economic prosperity has often failed to reach. These areas deserve our attention and assistance.

Consider this, nowhere in America has poverty persisted longer than on and near Native American reservations, which suffer an average unemployment rate of 45 percent. However, the number of businesses owned by Indian tribe members and Native Alaskans grew by 84 percent from 1992 to 1997, and their gross receipts grew by 179 percent in that period. This is compared to all businesses, which grew by 7 percent, and their total gross receipts grew by 40 percent, in that period.

I would like to continue this growth and expansion of small enterprise with the passage of this legislation. My bill ensures that Native Americans, Native Alaskans and Native Hawaiians seeking to create, develop and expand small businesses, have full access to the counseling and technical assistance available through the SBA's SBDC program. The business development tools offered by the SBDCs can assist Native Americans with the information and opportunity to build sustainable businesses in their communities.

In an effort to ensure the quality and success of the program, the proposal requires SBA to include in the application, at a minimum, information requests regarding the applicant's goals and objectives, including the experience of the applicant in conducting programs or ongoing efforts designed to assist the business skills of small business owners and the capability of such applicant to provide training and services to a representative number of Native Americans, Native Alaskans and Native Hawaiians.

It is clear we can do more to aid Native American entrepreneurs. Not enough has been done to assist Native American's in building their businesses, which in turn helps benefit, their communities. I hope to change that with my proposal.

THANKING MRS. DIANN CONDREY
FOR HER SERVICE TO THE HOUSE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. NEY. Mr. Speaker, on the occasion of her retirement on March 15th, we rise to thank Mrs. Diann Condrey for her 26 years of outstanding service to the federal government, including 10 years service to the U.S. House of Representatives.

Over the years, Diann has provided outstanding customer support to Members, Committees, Leadership and Support Offices of the House. She began her service to the House on December 1, 1992, and served this great institution in numerous capacities, most notably with House Information Resources (HIR) under the office of the Chief Administrative Officer.

In 1992, she was hired as a Committee consultant to provide technical support to Committee offices. Diann remained in that position until 1995. Since 1995, she has worked as a Technical Support Representative servicing Members, Committees, and Leadership offices. Diann is highly skilled and very proficient in providing office automation and technical advice to House offices. Her efforts and work ethic are a true demonstration of excellence and dedication to providing passionate customer service. Her previous federal experience as a Contracting Officer and her breadth of knowledge of House office operations enabled Diann to effectively manage the House Systems Administrator contract for TechCare. This contract filled a need in many House offices for professional Systems Administration.

I know all of you join me in extending our thanks and appreciation to this invaluable member of the House family. We wish the very best to Diann and her husband Jim as they pursue the next phase of their life.

HONORING THE COLORADO ARMY NATIONAL GUARD, COMPANY C, 109TH MEDICAL BATTALION

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to recognize the men and women of Company C of the Army National Guard's 109th Medical Battalion for their willingness to serve our country. The unit, based in Montrose, Colorado, has been deployed to support America's troops in Operation Enduring Freedom. They are preparing to protect our national security in a time of international crisis.

Company C has provided medical support for U.S. operations in Honduras, Belize, and Nicaragua. It provided airport security following the September 11th terrorist attacks and assisted firefighters during one of the worst wildfire seasons in Colorado history. This time, its final mission and destination are unknown.

The men and women of Company C are doctors and dentists, nurses and teachers, parents and newlyweds. They each leave family, friends and jobs for at least one year to serve our nation. The sacrifice and dedication of these volunteers are a credit to this country.

Mr. Speaker, it is a great privilege to recognize Company C for its exemplary service to the United States of America before this body of Congress and this nation. The courage of these American men and women is an inspiration to all.

ANDREW PITAS HONORED BY AIR TRAFFIC CONTROL ASSOCIATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. WOLF. Mr. Speaker, I want to share with our colleagues a recent article from The Loudoun Times-Mirror which honors my constituent Mr. Andrew Pitas of Lucketts upon his receipt of the Glenn Gilbert Award from the Air Traffic Control Association for his lifetime commitment and leadership in the field of aviation.

I am proud to call attention to the achievements of Mr. Pitas as he is honored with this prestigious award. On behalf of the people of Virginia's 10th Congressional district, I congratulate Mr. Andrew Pitas for his outstanding efforts in the field of air traffic control.

[From The Loudoun Times-Mirror, Feb. 12, 2003]

LUCKETTS MAN HONORED FOR AVIATION
LEADERSHIP

(By Scott Cissel)

Lucketts resident Andrew Pitas first experienced air traffic control in 1941 when he enlisted in the U.S. Navy. One day a supervisor at the Anacostia Naval Air Station in Washington, D.C., asked the 17-year-old to work in the control tower.

"It looked warm up there," recalled Pitas, who had been working outside in the chilly air, inspecting airplane propellers for cracks.

Now more than 60 years later, the Air Traffic Control Association, an organization co-founded by Pitas in 1956 and based in Arlington, is honoring him with the Glenn Gilbert Award for his lifetime commitment and leadership in the field of aviation.

Only 15 people have received the award, including U.S. Secretary of Transportation Norman Mineta and Najeeb Halaby, father of Queen Noor of Jordan. Pitas' name will be added to the Glenn Gilbert trophy, which is kept on permanent display in the National Air and Space Museum in Washington, D.C.

"It's kind of humbling," Pitas said. "Air traffic controlling is a team effort. There are so many people you can get in trouble and who can get you in trouble. There are no cowboys in this business."

The 80-year-old, raised on a dairy farm in Rhode Island, learned air traffic control when it was a fledgling technology. He was stationed in England during World War II as a controller.

After the war he worked at the Washington Tower in D.C., now Reagan National Airport. Returning to the farm, where as a boy he had watched planes fly overhead en route to Boston, wasn't an option.

"There were better ways to make a living," he said. "I had to milk cows morning and night."

Before radar became a standard practice after the war, some pilots refused to take radar readings from controllers, according to Pitas. Others liked it so much they played the radar position he broadcast to their passengers in the cabin.

And some pilots and crews had enough time to sing a greeting song to him as their planes neared landing. Controllers knew many of the pilots by name then.

"In the early days we knew a lot of them," said Pitas.

As air traffic increased, so did the stress on controllers, which prompted Pitas to develop a system that is now universally used—the automated terminal information system. The service sends a recording with continuously updated information on flight conditions to pilots. Before, pilots had to radio the tower for updates.

Pitas later brought his talent and expertise to the Federal Aviation Administration, where he rewrote the handbook used by air traffic controllers.

In 1956 he and some colleagues founded the Air Traffic Control Association, perhaps his most lasting contribution to the industry. Air traffic controllers did not have retirement benefits or adequate insurance and pay in the 1950s, recalled Pitas, and they could suffer the blame of plane collisions even if they had performed their jobs well.

"It was almost like you were on your own," he said. "The ATCA was instrumental in getting the government to beef up protection. After all, we were agents of the government."

Through lobbying efforts and representation in Congress, the ATCA gained better benefits for its members and has become a

source of international recognition for controllers.

"It gives people all over the world an outlet for their views," he said.

Stanley L. Seltzer, chief controller at Washington Tower in the late 1940s, remembered Pitas not only for his technical innovations, but also for his leadership in the ATCA.

"He was the live wire and the real go-getter," said Seltzer, who now lives in Florida. "He was always saying that people didn't care enough about the controllers' point of view. . . . ATCA really made it possible for an exchange of thought on technical improvements, and put a voice there that was never heard before."

Aviation was viewed as a safer way to travel by the public, according to Seltzer, because of the early air traffic controllers'

work in preventing midair collisions and improving communications.

"Had it not been for them I don't think that air transport would have been as widely accepted," he said.

After retiring from the FAA in 1983, Pitas has pursued his interest in the history of air traffic control, including research on the first women controllers.

He raised cattle on his farm in Lucketts before swelling it in 1990, and once stored a three-ton radio navigational device in one of his barns for the National Air and Space Museum.

Since 1986, Pitas has been assistant vice president of ATCA and has been active in securing funds for U.S. 15 road improvements between Leesburg and Point of Rocks, Md.